National Research Study o n Implementation of Forest Rights Act in Neighboring States of Odisha

Sch. Castes & Sch. Tribes Research and Training Institute (SCSTRTI), Bhubaneswar

(2013)

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FOREWORD

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or in short, the Forest Rights Act (FRA), 2006, is one of the most important and popular entitlement based laws ever enacted in India favouring the tribal and other traditional forest dwellers' rights over forest land.

The Rules for implementing the Act was framed in 2008 and further amended in 2012. The enabling provisions contained in the FRA seek to redress the historical injustice done to the forest dwelling people whose rights had not been legally recognized and recorded and who were denied their traditional rights to forest lands and resources in legislations prior to FRA. In spite of the lofty aims of the Act, recognition of the rights of the forest dwellers to live in the forest and use its resources as well as making it a duty for the forest dwelling communities to protect, regenerate, conserve and manage forest resources sustainably, there have been critical shortcomings in their implementation. The benefits of the Act have not been realized by the target communities to the level of expectation.

In this context critics and questions arise how to identify the gaps between the set objectives of FRA, and ground realities of its implementation. Are the benefits of the FRA accessible to the marginalized? Are the later aware about the Act and know how to realize their rights? Is the Institutional mechanism properly in place to take forward the implementation strategically and in a process guided manner so as to extend access to goods and services? Is there any good practice for replication? What are the critical concerns? Are there any remedies for those? Possibly, the exploratory research findings have some answer to these questions.

On the whole to look at the implementation of the FRA, 2006 and to analyze its impact on the poor STs and marginalized and to identify the hindrances in FRA implementation the SCSTRTI, Bhubaneswar commissioned a National Research Study on Implementation of Forest Rights Act in Neighbouring States of Odisha. This research study was conducted in 2012-13 in three neighbouring states; Andhra Pradesh, Chhattisgarh and Odisha with financial support from Ministry of Tribal Affairs, GOI, New Delhi, and ST & SC Development Department, Govt. of Odisha, and Technical supports from Vasundhara and Foundation for Ecological Security (FES), Bhubaneswar on outsourcing basis.

The study report has been organized into 5 Chapters. Besides, there are contents, bibliography, Annexures and photographs section. 'Chapter- I' deals with Introduction, 'Chapter-II' provides literature review and Chapter III discusses research methodology, 'Chapter-IV' presents a comparative analysis and study findings and synthesis, and the last but not the least, 'Chapter-V' recommends suggestions for effective implementation of FRA. The report is based on primary source of data collected through field investigation at the study villages and interview with members of different FRCs, SDLCs, DLCs and PRI representatives and Official of ST Development Departments, Forest and Revenue departments, and case studies. Available secondary source of information were consulted and incorporated assessing their relevance in the context of study. The report presents some interesting findings in shape of good practices which could be replicated and gray areas that could be readdressed.

The study looks at some good practices in the states of AndhraPradesh, Chhattisgarh and Odisha subsequent to the FRA Amendment Rules, 2012. Mostly, these states have followed up with reconstitution of Forest Rights Committees. There has been considerable progress on recognition of individual rights. The state of Odisha retains its top rank in the country in distribution of titles to individuals under FRA. In Odisha special sensitization training for all concerned officers were done though the SCSTRTI. The district administration in Kandhmal and Mayurbhanj with active involvement of civil society organizations followed a model process for delineation of customary boundaries of the community forest resources, which helped expediting the recognition of CFR. The Government of Chhattisgarh has taken a progressive step of issuing genealogy certificates to local communities as a proof of period of residency in a particular area for facilitating evidence especially for OTFD claims and decided to consider all rejected claims afresh. AndhraPradesh government made good use of technology (GIS) in demarcating individual and community areas with near accuracy level.

On the contrary, the study highlights critical areas, like inadequate awareness on FRA provisions at the Forest Rights Committee level, Gram Sabha and PRI functionaries level as a major stumbling block in proper implementation of the FRA. Recognition of community rights, PTG habitat rights and rights over seasonal landscapes of pastoralists and nomadic communities has not been encouraging. Active participation of women in FRC and the rights recognition process is found abysmally low. In all the study states, there have been procedural lapses with regard to the entire claim filing and recognition process, maintenance and custody of records and role of Gramsabha is undermined in many cases. In AndhraPradesh and Chhattisgarh the rate of rejection is more than 50 % and all rejections have taken place at the

level of Gramsabha. Besides, the FRA implementation investigation in the field has come across with incidences of injustices made to the people, individually and communally, like marginalization of Gram Sabha, displaced and deprivation in orange areas, misplaced plots, Ignorance of law and assertion of claim, etc. and these are suitably placed in the report.

Significantly, the study offers suggestions, like implementation of the FRA provisions such as CFR, habitat rights etc. backed by a proper planning process at the state and district level identifying forest interface villages, using GIS tools to map progress, making available maps, documents etc. to the Gramsabhas, extending adequate institutional support and sensitizing all stakeholders to facilitate FRA implementation, recognizing CR and CFR rights in mission mode employing dedicated support staff and facility, early settling of claims in Protected Areas and ensuring no relocation before settlement , and greater transparency in convergence initiative and mechanisms for grievance redressal of the complaints and petitions. All these taken together suggest how goal of social justice and inclusive development can be achieved in a rights-based framework.

I would like to complement the efforts of the Institutions and Individuals, especially Prof. (Dr.) A.B. Ota, IAS, Director and Sri T. Sahoo, OSD, SCSTRTI and the Research Teams from Vasundhara and Foundation for Ecological Security, Bhubaneswar, who involved actively in accomplishment of the research results. In the lights of the debates and discussions made across the country on translating the forest rights in to reality, it is hoped that, this report will be quite useful to different Government departments dealing with FRA implementation and to the general readers, like scholars, students of different disciplines, policy makers, bureaucrats, NGO functionaries, who have interest in the subject.

Place: Bhubaneswar
Dated: March, 2014

(Shri Sanjeeb Kumar Mishra, IAS)
Commissioner-cum-Secretary,
STs and SCs Development Department, Odisha

PREFACE

The Government of India has brought out watershed legislation by the name and enactment of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights), Act, 2006, Forest Rights Rules, 2008, and the amended Rules in 2012. The FRA and its Rules are meant for remedying the historical injustice done to the traditional forest dwellers, like the Scheduled Tribes and other Traditional Forest Dwellers. The Implementation of FRA significantly met the mandate through distribution of 1.30 million titles and 15,700 titles ready for distribution. The government claims to have disposed around 86.83% of the total claims.

While implementing this forest-dwelling-people-friendly Act several factors and issues have come to the notice of the Ministry of Tribal Affairs, Govt. of India as well as the corresponding Tribal development department of different state Governments that are hindering the implementation of the Act in its letter and spirit and constraining the flow of proposed benefits to the eligible forest dwellers. The recognition of community forest rights such as rights to minor forest produce, grazing areas, water bodies, habitats of Particularly Vulnerable Tribal Groups, pastoralists' routes and community forest resource rights are to be expedited. The rate of rejection of claims is also reported to be high and the scope of appeal has remained a remote possibility.

With a view to identify the potential claimants, their problems in reaping the forest rights benefits from the Act and prospects in their forest based sustainable livelihood, the SCSTRTI Bhubaneswar has been making consistent efforts in researching the FRA implementation at ground level so as to provide insights, information and suggestive measures to Govt. of Odisha for effective implementation of the Act. The first study on FRA commissioned in 2009 by SCSTRTI was a rapid impact assessment on implementation of STs and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in two sample districts of Dhenkanal and Gajapati of Odisha. This study has attempted to identify the major factors responsible for slow progress of the FRA implementation along with critical areas of concern and to suggest issues needed to be addressed for more effective implementation of the epoch making Act. With a view to generate awareness among the different stakeholders and creation of their capacity for smooth implementation of the FRA, the Govt. of Odisha in STs & SCs Development Department through SCSTRTI had brought out a Compendium on FRA in 2010 which was revised and published in 2012 for wide circulation. Such an exercise has helped the capacity building of the stakeholders in the FRA implementation process. After a gap of two years this

Institute conducted another assessment study on FRA Implementation status and good practices in Odisha in the year 2012. And finally, keeping the FRA research experience in the state of Odiaha another inter-state assessment study on FRA was taken up by SCSTRTI and the present report is the outcome of the study that highlights gray areas as well as good practices including critical areas of the concern and suggestions.

Discussing the varied constraints in the process of implementing the Act, following Rules in 2008 and amendment Rules in 2012, this research was conducted in AndhraPradesh, Chhattisgarh and Odisha. The findings points out that the implementing states have focused more on providing land rights to individual claimants. The achievement on the community forest rights as envisaged in the Amendment in 2012 along with the rights in Potected Areas and habitat rights of PTGs, revisiting the huge numberof rejected cases still has a long way to go. Moreover, the number of titles granted to tribal households is small compared to the total number of prospective claimants in the states. The study suggests effective and comprehensive implementation of the FRA through awareness building in campaign mode among all the stakeholders with availability of adequate fund and FRA reference materials at the grass root level and preparation of Action Plan and proper monitoring at all levels for accomplishment of the desired result. This will have an impressive impact on the, livelihood of forest dwellers, conservation of forests and conversion of forest villages to revenue villages. Further, the expected benefits may be multiplied if this includes value addition to MFPs and the desired action to ensure reasonable prices for them.

It is hoped that the findings of the national research study will be a great help to the Institutions and individuals in better implementation of the Act. I would like to extend thanks to the STs and Other Traditional Forest Dwellers, field level Officials and the Research Teams of Vasundhara and FES, Bhubaneswar for their help and cooperation in the field work and especially, to Sri T. Sahoo, OSD, SCSTRTI for his role as Nodal Officer of this national research and the Research Faculty of SCSTRTI for their sincere efforts in accomplishment of the research results and preparation of the report. I do hope this report will be of immense help to all concerned.

Place: Bhubaneswar
Dated: March, 2014

Prof. (Dr.) A.B.Ota, IAS
Director, SCSTRTI

Acronyms & Abbreviations

AP-Andhra Pradesh

BBCM – Banabasi Chetana Mandal

BDO - Block Development Officer

BPL - Below Poverty Line

CAMPA - Compensatory Afforestation Fund Management and Planning Authority

CCLA- Chief Commissioner of Land Administration

CFM – Community Forest Management

CFR – Community Forest Resources

CM- Chief Minister

CPR - Common Property Resource

CSD - Campaign for Survival and Dignity

CWH - Critical Wildlife Habitat

DFO - Divisional Forest Officer

DLC - District Level Committee

DPF - Demarcated Protected Forests

DRDA - District Rural Development Agency

DTWO- District Tribal Welfare Officer

DWO - District Welfare Officer

FCA - Forest Conservation Act

FD - Forest Department

FDA - Forest Development Agency

FGD - Focus Group Discussion

FPC - Forest Protection Committee

FRA - Forest Rights Act

FRC - Forest Rights Committee

FRO – Forest Range Officer

GoI- Government of India

GP - Gram Panchayat

GPS - Global Positioning System

GS - Gram Sabha

IAY-Indira AwasYojana

IFA – Indian Forest Act

IFR – Individual Forest Rights

IFS-Indian Forest Service

IKP-Indira Kranti Patham

ITDA - Integrated Tribal Development Agency

JFM - JointForest Management

JDA – Juang Development Agency

LTR-Land Transfer Regulations

MADA- Modified Area Development Approach

MFP - MinorForest Produce

MGNREGA - Mahatma Gandhi National Rural Employment Guarantee Act

MLA- Member of Legislative Assembly

MPTC- Mandal Parishad Territorial Constituency

MoEF - Ministry of Environment and Forests

MoTA - Ministry of Tribal Affairs

MRO- Mandal Revenue Officer

NGO - Non Government Organisation

NREGS- National Rural Employment Guarantee Scheme

NRSA- National Remote Sensing Agency

NTFP - Non-Timber Forest Produce

OBC - Other Backward Classes

OFDC - Odisha Forest Development Corporation

OFSDP - Odisha Forestry Sector Development Project

OJAM – Odisha Jan Adhikar Manch

OJM - Odisha Jungle Manch

OTFDs - Other Traditional Forest Dwellers

PA-ITDA – Project Administrator Integrated Tribal Development Department

PCCF - Principal Chief Conservator of Forest

PDS- Public Distribution System

PESA - Provisions of the Panchayats (Extension to the Scheduled Areas) Act

PO - Programme Officer

PRF - Proposed ReserveForest

PRI - Panchayat Raj Institution

PS - PalliSabha

PTG - Particularly vulnerable Tribal Group

R&DM - Revenue and Disaster Management

RDO- Revenue Divisional Officer

RF - Reserved Forest

RI - Revenue Inspector

RIDF- Rural Infrastructure Development Fund

RoR - Record of Rights

RoFR- Recognition of Forest Rights

RTI - Right to Information

SC - Scheduled Caste

SCSTRTI - Schedule Castes & Scheduled Tribes Research and Training Institute

SDLC - Sub-Divisional Level Committee

SLMC - State Level Monitoring Committee

SERP- Society for Elimination of Rural Poverty

SHG- Self Help Group

ST - Scheduled Tribe

SWC- Soil and Water Conservation

TSP - Tribal Sub-Plan

TW- Tribal Welfare

U/s - Under Section of the given Act and Rules

UDPF - Un-demarcated Protected Forest

VLW - Village Level Worker

VRO-Village Revenue Officer

VSS – Vana Samrakshana Samiti

WEO - Welfare Extension Officer

WLPA – Wild Life Protection Act

WLS - Wild Life Sanctuary

ZPTC- Zilla Parishad Territorial Constituency

Glossary

Aabadi	Habitation
Abada Ajogya Anabadi	Uncultivable Wasteland
Abada Jogya Anabadi	Cultivable Wasteland
Amin	Chain man(revenue department staff)
BaadiParcha	Temporary title before final RoR
Beja Kabja	Encroached land (Illegal)
Bewar	Shifting cultivation/ swidden agriculture
Bhuyan Pirha	Traditional and customary territory of Bhuyan tribe
Boirbhadi Goutiya	Locally called village headman
Charagah	Grazing land
CharigadaPirha	A Juang sub pirha
Chauhadi	The description of the location and direction of landmarks or lands surrounded with the given land/ plot.
Chhatan	Rock
Dhakalrahit nistar	Encumbrance free nistar lands
Dabri	Pond
Gaunti	Intermediary system
Gothan	Place for keeping cattle
Gochar	Grazing land
Ghaszameen	RevenueLand
Ghas	Revenue land
Gramya J*ungle*	Village forests
Gramkantha Parambhok	Reserve for house site / Basti
*Jharkhanda Pirha*A	Juang sub pirha.

Juang	A PTG community living in Keonjhar district of Odisha
JuangPirha	The traditional and customary geographical territory (habitat) of Juang tribe, it consists of six sub pirha.
Kathua Pirha	A Juang sub pirha
Kala jungle	Government forest
Khalihaan	Place where harvested paddy (or any other crop) is kept and further processed
Kodo, Medo, Karda dal	Different types of local millets of Chhattisgarh
Majang	Youth dormitory for boys
Manda Ghar	Dormitory for boys
Missal	Record of revenue department/ genealogy certificates
Missal haqaiyat	Record of Rights
NarangiKshetra	Orange areas (forest areas claimed bu both Revenue and Forest departments of Chhattisgarh States)
Navtorh	Encroached land/ newly encroached land
Nistar	Traditional land and forest rights of villagers/ villages
Nistar-patrak	Usufruct rights record of each village
Nistar keliye arakshit	Reserved for nistaar
Palli Sabha	In Odisha it is considered as Gram Sabha under the FRA, 2006
Panchnama	Joint verification report in a prescribed format (in FRA context)
Panike niche	Submerged in water
Pahad	Hill/ hillock
Patwari	Revenue Inspector
Paudi Bhuyan	A sub-group of Bhuyan tribe considered as PVTG.
Patita	Fallow land-A kisam of govt land meant for future use or allotment to the landless.

Paramboku:	All GovernmentLands other than agricultural waste lands, vacant lands like GrazingLands, Grave Yards, Road Poramboke, Channel Poramboke, Tank Poramboke, School Poramboke etc.
Rakhita	Reserved land, typology of land classified and reserved for the use in specific purpose only.
Rebona Pirha	A Juang sub pirha
Ratanjot	Jhatropha plant (a bio-diesel source)
Sudha Sabara	A sub-section of Saora Tribe
Zamindary Zapti Forest	was treated as reserved and people were not allowed to access these forest areas
Kalajatha	The cultural performance, through song, skit,traditional plays, folklore, used to motivate community

EXECUTIVE SUMMARY

I. Context of the Study:

The Forest Rights Act (FRA), 2006 has been the most progressive and path-breaking legislation in the history of forest governance in India. It potentially seeks to transform the structure and nature of forest governance by allowing legal recognition of variety of pre-existing rights of Scheduled Tribes and other sections who have been traditionally depending on forests for sustaining their life and livelihoods. The types of rights recognized by FRA include individual rights over land, communal rights over forest and forest produce, habitat rights of Particularly / indicates that, the implementation has by and large focused on individual rights and that to majorly of Schedule Tribes, relatively ignoring large sections of other traditional forest dwellers and various other types of rights like community forest resource rights and habitat rights. The rules were amended and notified in September, 2012 and guidelines were issued to address some of the key issues of implementation such as recognition of community forest resources rights, identification and conversion of forest villages into revenue villages, disposal and transit of minor forest produce, rejection of claims, mechanismsfor post-claim support and prescribing mandatory reporting and monitoring system.

Crucially, the FRA empowers the *Gram Sabhas* (Village Councils) for initiating and facilitating the process of determination of forest rights. As a vital component of FRA community forest resources (CFR) rights provides scope for formal recognition of rights over forest conserved by local communities and also supporting provisions for community's right to conserve biodiversity. Sustenance of forest resource base livelihood through conservation of schemes for the title holding forest dwellers also taken care of by the FRA.

As regards to the FRA achievements the government claims to have disposed around 86.83% of the total forest rights claims received. As on 30th June, 2013, inIndia 3.25 million forest rights claims were filed and 1.30 million (40%) titles distributed. Further, as many as 15,700 titles were ready for distribution. However of total claims, only 65, 864 community claims were filed, of which only 19, 621 titles (29.79 %) have been issued. Recent studies reveal the following implementation issues: i) high rates of rejection of claims; ii) non-recognition of rights of 'other traditional forest dwellers'; iii) limited recognition of community forest rights and habitat rights

of PTGs and rights inside Protected Areas (AITPN, 2012; Action Aid, 2013). Though the implementation of the law has seen success of varying degree and faces multiple challenges, yet it has opened up possibilities of a progressive and democratic forest governance regime by target communities in forested landscapes of the country.

In order to develop a deeper understanding into different issues related to implementation of different provisions of Forest Rights Act, the SC&ST Research and Training Institute (SCSTRTI), Government of Odisha in collaboration with Vasundhara, Bhubaneswar and Foundation for Ecological Security (FES) commissioned a National Research Study on FRA implementation in Andhra Pradesh, Chhattisgarh and Odisha. The study aims at developing an overall understanding and perspective on fundamental issues concerning FRA implementation and to arrive at concrete recommendations to further strengthen grounding of the seminal law.

II. Study Objectives:

Broadly, the four-fold objectives of the study are:

i. To assess status of implementation of community forest rights and identify the gaps, appeal and rejection cases and analyze the causes of rejection.

ii. To verify the claims under Section 3(2) (developmental rights) of the FRA and the procedures adopted for the diversion of forestland for the purpose.

iii. To highlight Government initiatives for convergence of developmental programmes for the development of tribal's and forest dwellers, successful initiatives and rediscover the gaps and conflicts in the implementation process and suggest future action points.

iv. To document key developments after notification of the Amendment Rules 2012 and initiatives taken by the state governments and suggest corrective measures for making the Act and its Rules effective and resolute.

III. Study Methodology and Sample:

The methodology comprised of both qualitative and quantitative data collection tools and techniques, like village and household sample surveys, semi-structured and structured interview schedules, focussed group discussions, case studies and participant observation. The sample for the study covers as many as 36 villages from 35 GPs in 9 Sub-Divisions and equal number of districts in three States with schedule areas, like AndhraPradesh, Chhattisgarh and Odisha. The sample districts for the study were selected on the basis of two criteria: (i) achievement rate of FRA implementation (individual rights) (ii) Tribal Sub-Plan (TSP) districts, non-TSP districts and high PTG concentration districts using multi-stage stratified random sampling. The following table states the study sample:

Table: State-wise number of Study districts, Sub-division, Gram Panchayat and Village

S. No.	State	Sample Covered (Nos.)			
		DLC	**SDLC**	**G.P**	**Village**
1	**Odissa**	Dhenkanal	1	4	4
2		Koraput	1	4	4
3		Keonjhar	1	3	4
		Sub Total	3	11	12
4	**AndharaPradesh**	Chitoor	1	4	4
5		Karnool	1	4	4
6		Vizayanagram	1	4	4
		Sub total	3	12	12
7	**Chhattisgarh**	Dhamtari	1	4	4
8		Korba	1	4	4
9		Bilaspur	1	4	4
		Sub Total	3	12	12
	Total	**9 Districts**	**9 Sub-Divisions**	**35 GPs**	**36 Villages**

IV. Key Findings[1]

Common Findings and Issues:

1. ***Lack of awareness and knowledge about the law:*** The level of knowledge and awareness on FRA especially at the level of community and concerned government functionaries was found to be significantly low. Even better understanding at the level of higher officials has hardly percolated down in the hierarchy. Ambiguous and incorrect interpretation of the Act by concerned government functionaries has led to lot of confusions at the community level and the law has been narrowly visualized as something that is only meant for tribals as a land distribution program. Gramsabha and FRC members were found to be ignorant about the detailed provisions in the law.Also state government's initiative for raising awareness and knowledge at the ground level through different training and publicity measures was found to be inadequate in general and Chhattisgarh in particular.

2. ***Constitution & Reconstitution of FRCs:*** Constitution of Forest Rights Committees was done in a hurried and targeted manner in all the study states. Majority of FRCs especially in the states of Chhattisgarh and AndhraPradesh, have been formed at the level of Panchayat headquarters. This reduced the scope for better comprehension of the law and related processes at the level of potential right-holders to be benefited under the law. This adversely affected people's participation and ownership of the process resulting in lack of demand from local communities for recognition of their rights under FRA. There has not been any significant change in the process of reconstitution of FRCs post 2012 amendment except that women and other members have been added as per the rules. This change has mostly been notional.TheFRC members are hardly aware about the law and their roles and responsibilities as members of FRC. Exceptions could only be found in civil society facilitated initiatives.

3. ***Recognition of rights under FRA:*** While there has been considerable progress on recognition of individual rights, recognition of community rights has not been

[1] All data used in the summary report are based on the status available as on 31st December, 2012 (except for the national level aggregation mentioned under Section 1.0 of the report, though not all data exactly relate to the aforesaid date but the latest available data within the particular period have been taken.

encouraging and no concrete steps have been taken in all the study states for recognizing habitat and other category of rights like rights over seasonal landscapes of pastoralists and nomadic communities. Out of the total rights recognised so far, 98.74% in AndhraPradesh, 99.64% in Chhattisgarh and 99.44% in Odisha belong to individual category.

4. ***Involvement and participation of women:*** Active participation of women in FRC and the rights recognition process is found to be abysmally low. In the study villages, the women members were found to be unaware of FRC functioning largely because of their non-participation in meetings and physical claim verification process. However, in some study sites where NGOs have provided hand holding support and awareness, there better and active participation of women has been realized.

5. ***Performance of Authorities/Bodies:*** While role of Gramsabhas were grossly ignored by agencies like Forest and Revenue departments, performance of other bodies like SDLC and DLC have not been found satisfactory. Gramsabhas have largely been ineffective and non-functional except for places where CSOs have actively facilitated the process. At the SDLC and DLC level the designated officers take decisions without involvement of PRI members, especially women. Even representations from the tribal welfare department in committees like SDLC have been low as compared to their counterparts thereby marginalising their active participation in the proceedings of these committees.

6. ***Procedural lapses:*** The study identifies procedural lapses with regard to the entire claim filing and recognition process, maintenance and custody of records and role of Gramsabha. Few key issues in this regard are:

    - Hurried FRC constitution and absence of adequate quorumin Gramsabha meetings.
    - The Gramsabha are supposed to recommend rejection of claims with sufficient reasons to SDLC. But it was found that many claims have been summarily rejected by the Gramsabha/FRCs, which is in violation of the law. This has led to exclusion of many claims that have been rejected under influence of revenue and forest officials or at the insistence of few influential village elites.

- There is irregularity in holding meetings of Forest Rights Committees (FRC). In several study villages, the FRCmembers never met.
- Acknowledgement receipt of claim applicationand written intimation of rejection of claims are not issued in favour of the claimant..
- FRC documents lying in custody of GP secretaries instead of the FRC.
- Inadequate staff at revenue and forest department has hampered proper Claim verification process in the field.

7. ***Rejection of Claims:*** Majority of claims have been found to be rejected at the level of Gramsabha. In states like Chhattisgarh, this is almost close to 100%. The decision ofGramsabha are by and large influenced and dominated by external agencies like forest department in many cases. Communities in many places alleged that a lot of rejections have happened in the offices of forest department without following the due process of physical verification. The study has found that majority of rejections are done at the Gram Sabha level. In fact the decisions about rejection are either made by the govt officials or significantly influenced by them.

8. ***Protected Area:*** It was found that communities like Baigas of Chhattisgarh (also a PTG) have been relocated from PotectedAeas (like Achanakmar Tiger Reserve) without following the due procedure of law. Similar cases have been reported from other PotectedAeas within the study states. The residents inside such areas happen to be highly marginalized and grossly unaware of legal provisions that are meant to protect their rights and interest, hence have been falling prey to illegal evictions.

In addition to the above mentioned issues, there has been almost no initiative towards conversion of forest villages in the study states and JFM areas have been converted into CFR titles especially in States, like AndhraPradesh and Odisha.

Recomendations:

Based on the aforesaid findings, the study makes the following recommendations.

- Raising awareness at the level of local communities, FRCs and PRI representatives is critical to successful implementation of FRA in time to come. The governments should undertake a

comprehensive and extensive knowledge and capacity building exercise at the ground in a campaign mode.

- Implementation of the FRA and the key provisions such as CFR, habitat rights etc. need to be backed by a proper planning process at the state and district level identifying forest interface villages, using GIS tools to map progress, making available maps, documents, etc. to the Gramsabhas.

- Need for creation of adequate institutional support and setting up of a dedicated specialized unit including civil society organisations (Resource Centre or State Level Task Force) which would facilitate FRA implementation. A long-term action plan for implementation of the Act is a requirement. Recognition of CR and CFR rights need to be taken in a mission mode employing dedicated support staff and facility.

- All community rights issued so far need to be revisited to ensure correctness of claims as per the provisions of the Act and in tune with the views of local traditional institutions.

- Use of GIStechnologies should be encouraged in facilitating community level maps for individual and CFR claims.

- There is need for greater transparency in convergence initiatives in terms of educating the beneficiary about the details of the schemes, i.e. amount of funds sanctioned, duration of the scheme and its objective. The Gramsabhas should play a major role in planning these interventions so that they cater to the actual need of communities.

- For cross learning and monitoring, national level interfaces are required more at regular intervals – it is recognized that a physical meeting becomes cost extensive but use of technology can make it easy and cost effective.

- Mechanisms for grievance redressal need to be put in place at the Panchayat, sub-division, district and state level to address to the complaints and petitions and to respond to situations where FRA provisions are violated.

- There is an urgent need to ensure holding SLMC meetings at regular intervals as per 2012 Amendment Rules.

- All rejected claims under individual and community categories should be reviewed.
- Concurrent evaluation should be undertaken at a regular interval by the State in order to address the field level issues obstructing proper implementation of the Act.
- All circulars and orders issued by MoTA, GoI and States should be made available in the web site dedicated for FRA (Central and State level).
- There should be a separate claim form and title format for Habitat rights and the claim for conversion of forest villages into revenue villages should be included in the claim form for community rights.
- MoTA should respond all clarifications sought by the States within a specified time frame and the Central as well as thestate governments should revisit the existing reporting format which lacks qualitative information.

V. State-specific Findings and Issues (Andhra Pradesh):

Good Practices

- The Government of Andhra Pradesh **accorded high priority to FRA implementation and proceeded with a project mode of implementation** carried out in different phases. It involved Society for Elimination of Rural Poverty (SERP) as the primary implementing agency for FRA and constituted survey teams comprising of personnel from concerned departments equipped with GPS equipment for measuring individual and communal areas. Involving SERP was useful as it had its own human resources who were trained to work in rural situations and have long experience of working on developmental interventions.
- A road map for implementation was prepared in which it was decided to **convene Gramsabha for formation of FRCs, create awareness through handouts,** banners made in Telugu language and performing through Kalajathas, involve Adivasi Sangams, reputed NGOs in the implementation process and to impart necessary training to the Social Mobilisers and Barefoot surveyor.

- The state Govt.**made good use of technology in demarcating individual and community areas in the field sites accurately**. A clear-cut demarcation of boundary through GPS, delineating bend points and recording the position of each bend point in the passbook is a unique approach, which reduces the confusion between the land actually allotted and the land actually in possession.

- SLMC decided to **withdraw forest cases against all eligible right-holders** whose rights have been recognized under FRA and the process was initiated in some cases.

Recognition of Individual RightsRate of achievement[2]: The average rate of achievement on recognition of individual rights is 53.29% for all states in India, while this is 75.17% for the study districts. Average area recognized per individual claim amount to 2.84 acre for the State, 2.77 acre for the study districts and 2.34 acre for the study villages.

Extent and cause of Rejection: The overall rate of rejection of individual claims at the State level is 46.27%. Out of this, 65.16 % of the claims have been rejected at the Gramsabha level while 23.38% and 11.43% of the claims have been rejected at the level of SDLC and DLC respectively. In the study districts, overall rejection rate is 24.82%. Out of this, 85.09% of the claims have been rejected at the level of Gramsabha while it is 12.89% at the level of SDLC and 2.01 % at the DLC level.In the sample villages, overall rate of rejection is 3.26%. Out of this, there have been no rejections at Gramsabha level while it is 41.10% at the level of SDLC and 58.58% at DLC level.

Since land transfer to non-tribals is completely prohibited in Scheduled Areas of AP, OTFD claims from such areas have not been entertained. Another reason for rejection cited relates to individual claims in VSS areas. This is disputed by claimants who suggest that they were forced to surrender *podu* lands and cultivation was stopped to facilitate implementation of JFM and plantations. Other reasons for rejection include claims in non-forest lands, lack of evidence, occupation of forest land in the post-cut-off date.

[2] Rate of achievement is calculated as percentage of approved claims against claims received. This however does not take into account many more eligible claims that might have not been filed or have not been admitted for consideration by the FRC/ gramsabha at the first place.

Convergence of schemes: Convergence and post claims support to individual rights holders are on land development, irrigation ponds and wells, IndiraAwasYojana, stone bunding and bush clearance, horticulture gardens, etc. The programs are routed and monitored through ITDAs. The Commissioner, Tribal Welfare suggested in the SLMC that plantations of bamboo, teak, casuarinas**,** eucalyptus, silver oak, pepper, coffee, rubber, etc. may be raised in the degraded VSS lands. In the study villages, only 8.67% of the title-holders were covered under convergence initiatives.

Recognition of Community Rights and CommunityForest Resource Rights:

- The overall rate of achievement is 31.36% at the state level while it is 42.93% for the study districts. At the State level, a total of 6714 claims were received by the FRCs of which 2016 claims were finally approved by the DLC. The overall rate of rejection of community claims is 52.92%.At the level of Gramsabha, SDLC and DLC the rejection rate is 67.30%, 30.30% and 2.38%respectively.

- CFR rights were mistaken as the rights over Vana Samrakhyan Samiti (VSS) areas. Hence most of the CFR claims were filed by VSS and got approved. Since VSS areas were mostly taken, the average area recognized is around 60 hectares.

- There exist confusion with regard to community rights and community forest resource rights. E.g.,in non-VSS areas, average 'CFR rights' amount to an area of only 2.36 acres as against 381.8 acres in VSS area.

- The CFR titles have been issued in the name of individuals like VSS chairperson or village elder or Sarpanch instead of issuing the same to Gramsabha or the eligible right-holder/s

Recognition of Habitat Rights:

There are twelve Particularly Vulnerable Tribal Groups (PTGs) in the state. The process of Habitat Rights is yet to start in the state. Moreover, there is hardly any understanding and appreciation of the concept of habitat rights at the district and mandal level.

Performance of Authorities under FRA and General Issues:

- The State Level Monitoring Committee (SLMC) has met once a year in 2013.No meeting was conducted in previoustwo years, i.e 2011 and 2012. The non-sitting of SLMC in two successive years slackened the whole monitoring process of FRA implementation in the state. Excepting conferring individual rights, the pace of achieving other provisions of the Act and Rules like forest village conversion, ensuring rights of PTGs, convergence, emphasis on claims as per Sec 3(1), claims related to seasonal landscapes (pastoralist in this case) could not progress**.**

- DLCs and SDLCs met quite regularly in 2008 and 2009. However, after 2009 the meetings and filing of monthly progress reports became irregular. In some cases meetings were held once a year. This resulted in slowing down the process and progress review.

- The focus in the initial phase was only on individual rights. A survey identified 3830 forest interface gram panchayats where FRA would be implemented. However, survey for identification of villages tends to limit consideration of potential claims.

- The revenue department was mobilized fully but the forest department could not be taken on board. Objections of forest department have been cited as one of the major reasons behind high level of rejections.

- No individual have got rights in VSS areas and Community Rights titles have only been issued to VSS of tribal members. This has led to large scale exclusion of OTFDs from the right recognition process. Except VSS claims no other community right has been conferred under the Act.

State-specific Findings and Issues (Chhattisgarh):

Good Practices

- The state has encouraged and facilitated claim making of OTFDs and recognition of their titles in the forest villages. Claim forms of separate colour have been used for faster identification of the status of OTFD claims and ensure appropriate follow-up action.

- As a proof of period of residency in a particular area the Government of Chhattisgarh has taken a progressive step of issuing genealogy certificates (locally called as *missal*) to local communities.

- The Government of Chhattisgarh have taken a decision to consider all pending/ rejected claims afresh for facilitating evidence for OTFD claims,

Recognition of individual rights:

Rate of achievement: The overall rate of achievement of recognition of individual rights is 37.44%, while it is 41.81% for the study districts. State level average area recognized under individual claim is 2.27 acre, while this is 1.72 acres at the level of study districts and 1.78 acres in case of the study villages.

Extent and cause of Rejection: The overall rate of rejection of individual claims at the State level is 62.55 %. Of this, the major share of rejections, 73.78%, is done at the Gramsabha level. The claims rejected by the SDLC and DLC are 12.94 % and 13.26 % respectively. In the study districts, overall rejection rate is 58.18%. Out of this, 97% of the claims have been rejected at the level of Gramsabha while it is 3% at the level of SDLC and none at the DLC level. In the sample villages, overall rate of rejection is 57.37 % all of which has taken place at the level of Gramsabha. Thus most of rejections have taken place at Gramsabha level with itsdecisions influenced by the personnel from the forest department as well as*patwari.* A lot of claims have not been admitted in the first place and recorded rejection reasons only relates to occupation over *ghaszameen* (non-forest land) or post-cutoff date occupation. The issue of *ghaszameen,* which has been used as a common reason to reject claims, is disputed by villagers in many sites which they consider as *kala-jungle*, something that is popularly known as 'orange areas', an area, ownership of which is disputed between the forest and revenue department. The villagers claim these to be forest lands over which they have been cultivating for long. The government has not stopped the OTFDs from applying but has not gone ahead with the claims except for forest village settlements of which they have records. Forms of different colours have been printed for accepting OTFD claims which is no doubt useful for administrative convenience unless it results in any discriminatory attitude**.** Subsequent to the amendment rules, the Chhattisgarh Government has decided to consider all rejected claims afresh. This is indeed a praiseworthy move.

Convergence of schemes: The rate of convergence on lands recognized as individual tenure for the whole state is 37.49% and 41.47% for the study districts. In the study villages, 56.73% of title-holders were covered under convergence schemes. Major convergence activities included IndiraAwas, bund repair, land levelling and supply of seeds and fertilizers. However in the study village convergence interventions only included IAY and land levelling under NREGA. It was notable to find in the study villages that preference have been given to single women/ women headed households having got titles under convergence initiatives. However, beneficiary right-holders have been found to be ignorant about the details of the convergence scheme under which he/ she are covered. In study areas, several convergence initiatives were found to be incomplete due to expiry of sanction period or for some reason unknown to the beneficiary.

Recognition of Community Rights and CommunityForest Resource Rights:

The overall rate of community right achievement for the state is 16.36% while it is 83.34% for the study districts[3]. In the study districts a total 4736 community claims were received by the FRCs. But only in two study districts as many as 869 Community rights were received out of which 775 (89.18%) is finally approved for title by the DLC. However, status of remaining claims is not known due to lack of data. The study team got no reference to community rights at the level of study villages and as revealed by the respondents there have been no claim making for community rights. The community rights recognized mostly relate to rights regarding developmental purposes as provisioned under Section 3 (2) of the act. This is apparent from the amount of area recognized under such rights. In the sample SDLCs the average area recognized ranges between 0.83 acres to 1.37 acres. As per the recent data received, 27 CFR titles have been conferred in Sarguja district (not covered by the study). However, activist and intellectuals suggest that such recognitions are inadequate and improper as it comes with conditions to align with working plans of forest department and thus violate spirit of the law.

- Until completion of the study, there were no concrete steps to initiate claim making for community forest resource rights except printing of form ‘C’ and its distribution in some

[3] The high rate of achievement in the study districts reflects a partial picture. The data on community recognition was not available for Korba and the calculation is done on the basis of reports of Bilaspur and Dhamtari and the total number of claims received for both the district was only 869.

areas. Lately there have been sporadic instances of filing of CFR claims by the village community with helps of some civil society organizations.

Recognition of Habitat Rights:

- AbhujMaria, Baiga, Birhor, Hill Korwa, and Kamar are the five Particularly Vulnerable Tribal Groups (PTGs) found in Chhattisgarh. The study focused on areas having high concentration of Baigas under Bilaspur district.

- There has been no initiative for recognition of habitat rights of groups of PTGs in the state. The government has suggested in the national FRA review held at New Delhi that demarcation of habitat is not required and that the matter is referred to the State Tribal Research Institute for carrying out survey of the habitat areas of PTGs.

Performance of Authorities under FRA and General Issues

- The role of tribal department of the State as nodal agency has been grossly undermined. This got cleared only after the national review on FRA held at New Delhi in December, 2012. The department is also constrained by lack of human resources to monitor and facilitate proper implementation of FRA on the ground.

- In order to expedite FRA implementation, the SLMC constituted a sub-committee under the leadership of PCCF which is functioning at low key. It was observed that allowing the forest department a main role has further sidelined the tribal department and has helped former gain control of FRA process on the ground and their reluctance to proceed with claim recognition is quite apparent.

- DLCs and SDLCs have not performed optimally and have only met to consider claims. In the study area, Bilaspur DLC has met 6 times, Dhamtari DLC has met 8 times and meeting of Korba DLC have been held 9 times since their constitution in 2008. In case of SDLCs, this figure is one time each for Pendra Road (Bilaspur) and for Kurud (Dhamtari) and 9 times for Kathgora SDLC (Korba) since their constitution in 2008. Participation of PR members in the meetings was found to be highly unimpressive. Discussions with PR members in SDLC and

DLC reveal that government officers especially those from forest department played a major and dominant role in conducting affairs of these bodies.

- It is praiseworthy to note that the Government of Chhattisgarh has expressed deep commitment towards recognition of rights of PTGs like Baigas, Kamars and PahadiKorwas and have issued directions. However, the initiatives have not been properly translated in field. Focus has been limited to recognize individual rights in some pockets while an initiative for recognizing habitat rights is yet to take off. In the study areas of Bilaspur, marginalization of Baigas in the rights recognition process was quite apparent considering their apathy towards formal processes. In absence of intensive handholding and facilitative mechanisms for such communities, their rights recognition would be difficult to achieve.

State-specific Findings and Issues (Odisha):

Good Practices

- Village has been taken as a unit for constitution of FRCs across the state.
- Initiatives have been taken to constitute FRCs in forest villages, old habitations or settlements located on forestlands, un-surveyed villages. An enumeration of un-surveyed villages was carried out by the government and the list was circulated to all District Collectors for follow-up action.
- Initiatives undertaken to withdraw forest cases against communities whose rights have been recognized under FRA.
- The act was translated in 10 tribal languages and was distributed widely.
- The ST & SC Development Department and SCSTRTI have carried out special training programs for all the Welfare Extension Officers (frontline staffs of the department) covering all the districts and blocks on FRA and Amendment Rules. The training programs have helped in building understanding on the key provisions on community forest rights and on the procedure for determination of the rights.
- The SCSTRTI has developed several reference material, field manual, guidelines on the Act and amendment Rules and the Tribal Welfare Department has probably issued highest

number of circulars/guidelines and directions and a compendium of its orders was developed for awareness generation and clearing confusions around implementation of the act.

- A model process has been followed for delineation of customary boundaries of the community forest resources with active involvement of civil society organizations, which has shown progress in the recognition of CFR in the districts of Kandhamal and Mayurbhanj.
- An expert committee has been constituted at the SCSTRTI involving anthropologists and researchers to devise mechanisms for the facilitation and mapping of habitat rights in the PTG areas.

Recognition of individual rights:

Rate of achievement: The achievement on recognition of individual tenures is levelled at 52.94% for the whole state and 69.53% for the study districts. The state level average area recognized has been 1.60 acre, while this is 1.53 acres for the study districts and 1.19 acres for the study villages. Odisha probably happens to be the only state to have issued numerous progressive circulars clarifying several aspects and confusions regarding implementation of the act. The tribal welfare department of the state and the Tribal Research Institute also played a pivotal role and actively participated in facilitating implementation of the Act. Relatively lower rate of rejection can be attributed to this performance. However, much more of good intentions of those circulars and direction await proper grounding.

It was found in the study villages that there exists variation in the location of the land applied under individual rights and the actual location of the land recognized. In addition, there exists negative difference between areas recognized as against area claimed. E.g. out of five sample claims (over which individual titles were recognised) of Kadalibari village under Gonasika GP of Keonjhar district, the actual area recognised is only 25%, 35% , 36%, 48% and 18% of the total area claimed. In addition to these, the locations of all five plots were found out to be different from that of the actual place being occupied and cultivated by the claimant. This analysis was done using GPS and GIS technologies.

- ***Extent and cause of Rejection:*** The rate of rejection for the whole state is 22.22 % while it is 20.74% for study districts. More than half of the rejections have happened at the level of Gramsabha and less than 1% of the claims have been rejected by the DLC. Of the

total rejected claims in the state, 54.50% of the claims have been rejected at the Gramsabha level while 44.55% and 0.90% of the claims have been rejected at the level of SDLC and DLC respectively. For the study districts, 60.95% of the rejection (out of total 20.67%) has been done at the level of Gramsabha while it is 39.04 % at the level of SDLC and no rejections at the DLC level. In the study villages, out of total 16.19% of the rejected claims, 10.99% of the claims have been rejected at the level of Gramsabha, 89%at the level of SDLC and no rejections have happened at the level of DLC. The reasons for rejections mostly include lack of sufficient evidence especially in case of OTFDs, non-possession of forestland and post cut-off date occupation. However as the rate of rejection have been relatively low, the achievement on this front has been more efficient. The OTFDs have mainly been discouraged to file claims in the first place and even a lot of their claims have been rejected at the Gramsabha level itself or not accepted by the FRC. In some cases where OTFDs have been able to produce genuine documents like King's receipt, they have not been accepted by the local administration. Of the total Community Rights claims received, 8.64% cases were rejected at the level of Gramsabha; 2.74% at SDLC level and no rejections at DLC level.

- ***Convergence of schemes:*** The rate of convergence on lands recognized as individual tenure is 22.22% for the state while this is 20.74% for the study districts. In the study villages, 23.06% of the title-holders were covered under convergence schemes related to land development under NREGA[4]. It was found that while the right-holders have been covered, the piece of land recognized under FRA was not included given the nature of convergence initiative e.g. land levelling activities in hill-slope cultivation areas of Juangs, that would require more tailor-made interventions. Thus, the entire purpose of developing recognized land remains unfulfilled though convergence targets are achieved.

- ***Recognition of Community Rights and CommunityForest Resource Rights:*** The overall rate of achievement is 63.49% while it is 84.69 % for the study districts. At the state level, out of a total of 5391 claims received by FRC, 2908 claims were finally approved by DLC which includes 376 titles under Section 3 (2) of FRA. Initially the major focus

[4] Information for Dhenkanal district was not available.

on community rights related to Section 3(2), however in a later stage there is enhanced focus and recognition of CFR claims as per Section 3(2).

Recognition of Habitat Rights:

- There are 13 different PTG groups in Odisha. They are ChukutiaBhunjia, Birhor, Bonda, DongariaKandha, Didai, Juang, Hill-Kharia, Kutia-Kandha, LanjiaSaura, Lodha, Mankirdia, PaudiBhuyian and Saura. The study focused on Juang tribes based in Keonjhar district.

- So far only one habitat right claim has been filed in the State by Juang PTG in Keonjhar district on their customary habitats of Jharkhand, Satakhanda and Kathua*Pirha*[5] in 2010. Following this, series of meetings have been held between officials of tribal welfare department and leaders of Juang communities. Subsequently the Collector sought clarification from the state government on two counts: (i) regarding rights over revenue lands that exist within their habitat area (ii) regarding rights of other tribals and OTFDs residing in their habitats. Further, the ST&SC Development Department, Govt. of Odisha State has written to MoTA seeking more clarification on habitat rights but the Ministry is yet to give clarification on the matter mentioned above.

Performance of Authorities under FRA and General Issues:

- In the initial period meetings of SDLC and DLCs in the study districts were more frequent that helped better implementation of the law. This has however considerably slowed down in the subsequent years. A total of 19 meetings of three studied SDLCs were held since their constitution in 2008 on an average 6 meetings each over a period of 5 years.

Active participation of PRI members in these bodies have been lacking and many PRI members especially women have been found to be completely unaware of their roles and responsibilities as members of these committees. In addition to this, the PR members in the study area alleged that they are not provided space to voice their concerns and opinions and whole meeting proceedings are dominated by government officials.

[5] Pirh is an English version of the original term Pidha which has a Sanskrit origin. In the same language, Pitha means abode and thus JuangPirh happens to be their abode. Although few Juang populations are found in other places, the pirh areas have their major and ancient concentration. (Rath, 2005)

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Chapter- 1
INTRODUCTION

1.0 INTRODUCTION

1.1 Background of the Forest Right Act - 2006

The Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act 2006, popularly referred as Forest Rights Act(FRA),isa path-breaking legislation in the history of forest governance in India. It potentially seeks to transform the structure and nature of forest governance by allowing legal recognition of a variety of pre-existing rights of Scheduled Tribes and other forest dwellers who have been traditionally depending on forests for life and livelihoods. The types of rights recognized by FRA include individual rights over land, communal rights over forest and forest produce, community forest resource rights, habitat rights of particularly vulnerable tribal groups (PTGs) and seasonal rights of pastoralist and nomadic tribes. Importantly, *Gram Sabhas* (group of adults in the village/ hamlet/ settlement) are empowered under the law for initiating and facilitating the rights recognition process. It is important to understand the contextof emergence of a revolutionary act like FRA.

In India, an estimated 275 million people depend on forest (World Bank, 2006) of which around 100 million people live on land classified as forests (Lynch and Talbott, 1995). According to one estimate, 40 percent of India's poor live in about 1.73 lakh forest-fringe villages (FSI, 1999). Poverty in forest areas is linked to insecurity of land tenure and deprivation of access rights to forest resources, both pointing to the need for forest tenure and governance reforms (Bray et al., 2003).

History is witness to the gradual process of exclusion and marginalization of the forest dependent and dwelling population in India. The colonial State considered forest as state property and a source of revenue, therefore, massively exploited for commercial purpose without any provision for meeting local livelihood needs of the forest dwellers. Imperial Forest Department was established by the British in 1864 for managing the strategic concern of exploitation of timber, as a critical juncture of exclusion and separation of local people's customary forest use from valued forests through policy enforcement amounted to gradual 'ethnic cleansing' in many cases[6]. The customary use of forest by the villagers was only treated as *'privilege' and not 'right'. The*

[6] Redressing 'historical injustice' through the Indian Forest Rights Act 2006, A Historical Institutional analysis of contemporary forest rights reform* IPPG Discussion Paper Series no 27, at www.ippg.org.uk, p.10

absolute control and ownership right with the state… '(Guha, 1984). Community lands and forests were reserved as state forests to extract revenue. The priorities of the new system of forest management and control, imposed by the colonial state, conflicted sharply with customary and traditional rights, local systems of forest use and control, community conservation and governance systems. In this process, the rights of the village communities on forests were progressively eroded (Gadgil and Guha). Thus marked the beginning of a forest governance system that was alien, induced, and most importantly excluded the forest-dependent communities in the name of scientific forestry, public interest, national development, conservation, and industrial growth.

The independent India also, inherited the colonial worldview, established a mode of forest governance that imposed restrictions on local forest dwellers through a definition of forest as national property, which tried to acquire control of forests for commerce and "national development" at the cost of local forest-based livelihoods. It has also belaboured the non-existent incompatibility between conservation and livelihoods (Patnaik, 2007). The classification of forests in the name of forest reservation and conservation has tactically imposed restriction on the customary use rights and free access of resources (land, forest produce, pasture, other traditional and cultural use, etc.) by the local forest dependent communities (Behera, 2010).

The National Forest Policy of 1988 has adopted JFM as extension of forest administration, the impact of which was found to be adverse on the communities and their traditional systems and in a way ended up creating more conflicts and rights deprivation (Sarin, 2001).

The process of marginalization of forest dwellers and their reduced access to forest resources by the State constructed legal instruments, led to serious discontent and frustration. As a result, the growing agitations and unrest in forest areas emerged strongly in different parts of India against the continued exclusionary processes adopted by the state by pushing the resource dependent poor into a state of serious marginalization. The movement against such alienation of customary rights in tribal regions became prominent after 1980s.

In response to the massive discontent, the Ministry of Rural Development, Government of India constituted Bhuria Committee to recommend the salient features of a law for extending provisions of Part IXA of the Constitution of India ('Panchayats') to Scheduled Areas (which are

primarily tribal areas identified for special protection in the Fifth Schedule of the Constitution).[7] The Committee had argued for the legal recognition of the PalliSabha (or the village council) as the primary centre of tribal governance and also recommended that the long-standing demand of tribal control over productive land and forests should be conceded to and administrative interference in their affairs should be minimised. Based on the report, the Parliament enacted the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, which recognized the rights of tribals to self-governance and empowered their Palli Sabhas to manage their community resources - land, forest & water – in accordance with their customs and traditions, but the actual implementation of the PESA has been far from satisfactory(Bhullar,2008).

The Commissioner for Scheduled Castes and Scheduled Tribes in his 29th report (1987–89) recommended a framework for resolving disputes related to forest land between tribal people and the state**.** Based on the recommendations**,** the MoEF issued a set of six circulars on 18th September 1990, asking the State governments to resolve disputes related to forest lands arising out of incomplete or poor forest land settlements, conversion of forest villages into revenue villages and address other issues related to forest tenure. However, these circulars remained unimplemented leading to further unrest, alienation and deprivation in tribal heartlands (Kumar &Sarin, 2005).

The forest rights issue reached a flashpoint in 2002 when the MoEF issued an order to the State governments to evict all "encroachers" on forest land in a time bound manner by misinterpreting the order of Supreme Court under Writ petition 202 of 1995 filed by TN Godavarman vs. Union of India.[8] In response to the most crucial Intervention Application 703 filed by Advocate Harish Salve, Amicus Curiae, the Supreme Court passed an interim order "restrained the Central government from regularising any encroachment without permission of the Court". No order was passed regarding eviction of the "encroachers." However, by misinterpreting the order the MoEF through its Inspector General of Forests issued an order on dated 3rd May 2002 "to evict the ineligible encroachers and all posts-1980 encroachers from forestland in a time bound manner"

[7] 'Report of MPs and Experts – To Make Recommendations on the Salient Features of the Law for Extending Provisions of the Constitution (73rd) Amendment Act, 1992 to Scheduled Areas', available at http://www.odi.org.uk/livelihoodoptions/forum/sched-areas/about/bhuria_report.htm

[8] The PIL petition filed by TN Godavarman, an estate owner in Tamil Nadu, was not concerned with tribal rights on forestland but expressing distress by the illicit felling of timber from forest nurtured by his family for generations, the order of which has caused immense collateral damage to the rights of tribals on forestland.

creating an impression that eviction was ordered by the Supreme Court. The eviction drive created immense hardship for tribal communities across the country. As per the statement of MoEF in Parliament on 16th August 2004 "encroachers" were evicted from 1.5 lakh hectares of forestland, without mentioning the number of family evicted. According to NCSD and other groups working among forest dwellers, about 300,000 families were evicted between 2002-06 by the Forest Department to create new Protected Areas and to clear 'forest encroachments' to make way for plantations and wildlife areas. Since 1947, millions of people in the country were displaced due to creation of Protected Areas and development projects like large dams, mines, industries, roads and army cantonments. Planning Commission estimates suggest that 21.3 million people were displaced by development projects between 1951 and 1990 alone(Ghosh and Bijoy, 2006). Millions were driven into destitution and starvation, subjected to harassment, evictions, etc, on the pretext of being encroachers in their ancestral home lands. In MadhyaPradesh alone, more than 125 villages have been burnt to the ground.[9]

This has created a milestone in the history of Forest Rights Campaign, in which people's movements and organisations began to organise themselves to resist the evictions across the country. The gross violation of the democratic rights of tribals and other communities by the forest department continued to be a matter of grave concern. A country-wide campaign launched against the MoEF order on eviction by tribal and civil society organizations demanded a comprehensive legislation to deal with the issues of unrecognised forest rights. Campaign for Survival and Dignity, among others, took a lead role in organizing and bringing large number of groups and people's organisations together under a common umbrella.[10] The mass struggle and campaigns launched at national, state and regional levels involving political leaders and parties, civil society networks, campaign groups, tribal rights activists, against the eviction and for permanent legal solutions to these historical wrongs.

Compelled by these protests, MoEF issued a clarification in October 2002 that its 1990 circulars remained valid and that not all forest-dwellers were encroachers. Indeed, the Ministry admitted in an affidavit filed in the Supreme Court in July 2004 that, during the consolidation of state forests, "the rural people, especially tribals who have been living in the forests since time

[9] Endangered Symbiosis: Evictions and India's Forest Communities, Campaign for Survival and Dignity, New Delhi, p.6
[10] Endangered Symbiosis: Evictions and India's Forest Communities, CSD, New Delhi, p.6

immemorial, were deprived of their traditional rights and livelihood and consequently, these tribals have become encroachers in the eyes of law". The affidavit continued that such rights needed to be recognized "to remedy a serious historical injustice" and that "(this) will also significantly lead to better forest conservation".

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 emerged as a legislative measure for remedying a historical wrong through forest tenure reform. It was a result of the polity responding to protracted struggles by tribal communities and movements to assert rights over the forestlands they were traditionally dependent on. The Act specifically aims at – (1) recognizing and vesting forest rights and occupancy rights to those forest dwellers who have been living in such forests for generations but their rights were not recorded; (2) providing a framework for recording the forest rights; (3) including the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance – thereby strengthening the conservation regime of forests; and (4) ensuring livelihood and food security of the Scheduled Tribes and other traditional forest dwellers.

It also recognizes rights to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use and empowers right holders and their PalliSabhas to protect forest, wildlife and biodiversity.

1.2 Understanding the Historical Injustice and the IndianForest

India has a long history of forest and conservation legislations. But understandably these were tools in the hands of pre-colonial rulers and the colonial machinery, which had enacted these laws to make sure that the forests and the wildlife including its richest assets always belonged to the rulers and not to the communities that always lived with them. This also ensured that there were constant and bitter battles fought between the local forest dwelling communities and the ruling classes.[11]The battles continued after independence as these communities, who fought for their rights over forests, were looked upon as encroachers in their ancestral (forests) lands and their access to forest resources was inadvertently treated as illegal inviting offence and penalty.

[11] MANTHAN Report of National Committee on Forest Rights Act 2006, A joint Committee of Ministry of Environment and Forests and the Ministry of Tribal Affairs, Government of India, p.26

'This was not just a negation of forest dwellers and their inalienable rights, but a constitutional insult on people who had rights over forests'.[12]

To understand the historical injustice made to the Indian forest dwellers, it is essential to review the historicity of the enactment of different legislations, policies and regulations at different periods for the management and control of forests land and forest resources. Understanding, the process of codification of forests as legal land use category and classification of the typologies of forest users both by the British and IndependentState, and their attitude towards forests and forest inhabitants would clearly locate the processes of marginalisation and deprivation of forest rights made by the State(Oliver and Piers Blaikie, 2007).

The term 'forest', apart from signifying a type of land use, also has a legal meaning in various laws. This legal "forest" is a socially-constructed forest, framed by laws, policies, procedures and organisations, and implies specific rights regimes which are a product of historical processes(Kumar, Behera, Sarangi and Springate-Baginski, 2008). The legal construction of forest influences the physical realities of forested landscapes and the relationships between people and forests. It deeply affects the livelihoods and wellbeing of people who live in and around the forests, as it not only categorizes certain elements of the landscapes as forests, but has created varied regulations and enforcement mechanisms to define what is permissible and what is prohibited. This nexus of laws, policies and procedures have deeply and differentially impacted on the lives and wellbeing of large numbers of people(Kumar, 2008).

In India a large number of poor live in forest landscapes, with critical dependency over forests and forest resources, have been dispossessed and expropriated from those resources through various institutional circumstances as a major contributory factor in their poverty.[13] Their poverty reflects a history of institutionalised disenfranchisement; having their customary forest land expropriated, and use rights negated by the colonial state and subsequently by the independent Indian government.

[12] ibid, p. 26

[13] Redressing 'historical injustice' through the Indian Forest Rights Act 2006, A Historical Institutional analysis of contemporary forest rights reform* O. Springate-Baginski, M. Sarin, S. Ghosh, P. Dasgupta, I. Bose, A. Banerjee, K. Sarap, P. Misra, S. Behera, M.G Reddy and P.T. Rao**Discussion Paper Series no 27, August 2009 IPPG Discussion Papers available at www.ippg.org.uk, P.5

Broadly, there have been four major processes of exclusion of the customarily enjoyed rights and entitlements of the scheduled tribes and other forest dwellers through (1) the consolidation of State forests and (2) revenue survey and settlement, (3) State development projects and (4) Conservation governance. The effect of these historical processes have generated the problems of (1) resource degradation (2) reduced access or exclusion of rights over the resources of the dependent communities, (3) tenure insecurity over the resources leading to livelihood crisis and food insecurity, and (4) undermined the conservation values and traditional institutions of the local communities in management and protection of forests (Behera, 2010).

Various forest acts were created by British for creation of forest estate. The IFA 1865 empowered the colonial governments to constitute by notification government forests out of any wastelands or any other land covered with trees. The Indian Forest Act (IFA), 1878 included provisions for settlement and admitting of the rights and privileges of people, and provided for three major forest tenures i.e. ReservedForests, ProtectedForests and VillageForests, which was accepted in all British ruled areas. The Madras Presidency, which disagreed with the draconian powers, had developed its own law, the Madras Forest Act, 1882. In1927 a new IFA enacted which remains in force till date.

Both IFA 1927 and the MFA 1882 provided the legal basis for reservation of forests and 'settlement' (i.e. commuting or extinguishing) and notification of forest rights. In many cases these settlement process take more than a decade and 'settling' rights has been treated as a once and for all process (unlike revenue settlements). In this manner, though some (diluted) rights were conceded, many more were extinguished. Even these due processes were often circumvented by impatient settlement officers (Kumar et al. 2009 for examples from Odisha where whole villages were left out of settlement process and therefore lost any rights whatsoever). Inevitably 'historical injustices' were created through forest acquisition by the state, both where the due process was neglected, and where it was followed.

The history of forest reservation involved, predictably, intense conflict and repeated agitations and risings (Arnold and Guha 1997, Grove et al. 1998, Sivaramakrishnan 1999, Pathak 2002). The areas of 76.52 million hectares of land (23.28 %)[14] of India have been categorised as "legal

[14] States of Forest Report, Forest Survey of India Dehradun, 1999

forest" under various forest laws, which has been highly contested, led to rebellions and resistance. Reservation of forests and the restriction imposed on use of forests were important issues in the freedom struggle in the forested areas.

The tribal situation after independence in many cases worsened due processes for settlement of rights as per IFA 1927 were often conveniently forgotten or circumvented. The post-colonial Government of West Bengal, for instance, took over feudal private forests (in which local people enjoyed use rights) without following the due legal process and so extinguished those rights[15]. In MadhyaPradesh and Odisha, large areas of the lands of *zamindars* and princely states were declared 'deemed forests' (i.e. rights settlement anticipated). The required legal process of settlement of rights has have not been widely taken therefore, no rights were accorded. Even community forests legally recognised by the colonial administration in Bastar were declared state protected forests without following due legal processes.

The processes of settlement and reservation of forests is very lengthy and complex. Although currently 23.57% of the country's area (about 76.96 mha) consists of 'recorded forest area'[16] it is a myth that all of this land is either legally notified as forest or is under control of Forest Department of the 'recorded forest area', 51.6% is Reserve Forest where no local people's rights exist (much of this forest not formally legally notified after the rights settlement process); 30.8% is Protected Forest (where some rights conceded), and the remaining 17.6%consists of 'unclassed forest' which is not legally notified but is simply put in government record using the word forest (including about 10 million hectares of community shifting cultivation lands in the north-east). As per the estimate of FSI,[17] of the total 67.71 million hectares of 'forest cover' (i.e. lands with standing trees) about 48 mha is considered 'good forest' (i.e. more than 40% canopy cover). The 'recorded forest (land) area' is not the same nor coincident with 'forest cover' because large areas of the legal 'forest estate' are not forested. This is due to an indeterminate combination of

[15]Ghosh, Soumitra, NaboDutta, HadidaYasmin, TarunRoy and OliverSpringate-Baginski (2009) Commons Lost and 'Gained'? Forest Tenures in the Jungle Mahals of South West Bengal, (School of International Development Working Paper: Norwich).
[16] Forest Survey of India (2003), Dehradun
[17] Forest Survey of India (2005),

forest degradation and the appropriation and mis-categorisation of non-forest lands, including grazing meadows and mountainous land above the tree line in the Himalaya,[18]

The Wild Life Protection Act, 1972 enacted for the creation of protected areas (PAs), (i) without consulting the inhabitants and user communities, (ii) ignoring the rights and the knowledge and conservation practices of the local communities, (iii) without a comprehensive settlement process that could recognize and vest customary rights and create a fair process of changing them where required, and (iv) with forcible or artificially induced displacement in many cases, this further created a wedge between communities and the FD as a result the local communities in many places turned enemy of the wildlife. The Act giving primacy to conservation of wildlife and justify curtailing legitimate daily survival activities of forest dependent people from wildlife habitats, evicting them forcibly without proper resettlement, and centralizing management of these habitats in the hands of indifferent bureaucracy. Its blanket ban on all human activities except tourism is leading to considerable suffering of local people deprived of access to the forests. This led to the alienation of thousands of local communities who live within and outside PAs and mainly depends on forest resources for sustenance and survival.

The Forest Conservation Act, 1980 had expanded the categories of land defined as "legal forests" and made it more difficult to reclassify legal forests as any other category. It seeks to prohibit the diversion of forest land for non- forest purposes without the permission of Central Govt., compounded the problems related to non-settlement of rights, had the effect of freezing the status of many forest-related rights deprivations. Any land is classified as forest of any sort, can't be used for cultivation or any other purpose without MoEF's permission and ownership rights can't be given without permission of the Supreme Court.[19] It has caused immense deprivation and suffering to millions of forest people all over the country. The forest and un-surveyed villages and old habitations not settled during forest settlement were routinely denied basic amenities and minimum access to service delivery system. At the same time, diversion of huge areas of forestlands and protected areas for mining, quarrying, and building large dams[20], etc are also multiplying the extent of deprivation and sense of insecurity among the local forest

[18] Redressing 'historical injustice' through the Indian Forest Rights Act 2006, A Historical Institutional analysis of contemporary forest rights reform* Discussion Paper Series no 27, August 2009 IPPG Discussion Papers available at www.ippg.org.uk, P.12-13.
[19] Supreme Court's order dated 13-11-2000 in Center of Environmental Law, WWF India v. Union of India, WP© no 337 of 1995
[20] National Forum of Forest People & Forest Workers, *Voices from Forests*, Nagpur, 2002

inhabitants. The threat of eviction had loomed large over the forest people of this country ever since the promulgation of the WLPA, 1972 and FCA, 1980. Thus, historical injustice was perpetuated with the enforcement these two laws, which identified environmental protection and recognition of the rights of tribal communities as mutually irreconcilable.

Interpreting this act, the Supreme Court of India passed several interim orders to clear encroachment of forest lands. The latest of these orders (November 2001) was the most draconian, issued by the MoEF, which instructs the state governments and Union Territories to summarily evict all encroachers from forest land. As the Court and MoEF defined all land under the forest department as 'forest land', irrespective of the actual use of those lands, the order was used to evict even traditional settlements in forest areas including forest/*taungya* villages. However, large scale industrialization and appropriation of forest land to industries and mining went unchecked and people were displaced from their homelands. The pace of diversion was stepped up since the 1990s. At no stage in the decision-making process regarding diversion, have communities living there been consulted.

The National Forest Policy, 1988, introduced JFM and eco-development, and individual innovations by many forest officials have attempted to change the above trends. However, it could not alter the fundamental problems of top-down governance, of alienation and dispossession of forest-dwelling communities, and of meeting the growing needs of such communities while ensuring sustainability and conservation. Rather, this was used as an instrument of deprivation of traditional rights through plantations over the lands traditionally cultivated by individuals and village community for long-time, promoting JFM.

The above historical processes through which the rights of forest dwellers and forest adjacent populations, both tribal and non-tribal alike, to control, manage and use ancestral/ customary forest lands have been systematically and widely negated. The range of forest rights deprivation scenarios on the ground is very diverse and location specific, each with very complex circumstances, depending on the prior situations, the historical processes through which the state

has extended its establishment. To sum up, following are the rights deprivation scenarios in India.[21]

* ***Rights deprived during the regular forest reservation / settlement processes:*** Although rights settlement processes as per law have taken place, the actual implementation was extremely poor. Lack of literacy and awareness of the tribal population, no special efforts were made to inform them properly, which meant that many of them couldn't claim their rights.

* ***Improper or incomplete forest settlement/reservation processes:*** Improper or incomplete forest settlement process without people being notified have affected the rights of the forest dwellers. Large number of small habitations and villages were not surveyed at all hence rights have not been recognised. Vast tracts of land as 'deemed' forests where the due legal process of settlement of rights was not subsequently followed and so, with no exercise to record the rights, all rights are extinguished by default.

* ***Estate acquisition:*** During state acquisition of private forest estates extinguished the rights of the pre-existing local users, which people were enjoying from the previous owners (West Bengal example).

* ***Non-recognition of rights on land used for shifting cultivation:*** Shifting cultivation falls between the 'legitimate' land uses of forestry and sedentary agriculture but has not been accepted as a legitimate land use in settlements. For instance, in Odisha the estimated land for shifting cultivation on hill-slopes variously ranges from 5298 sq. kms. to 37,000 sq. kms., haven't been settled with tribal communities, which were categorized as State land, either Forests or revenue land[22]. Most of the PTGs in India have been critically and solely surviving upon shifting cultivation. In the entire North East this has been a common land use practice. However, such practice has been treated as undesirable, which was banned and criminalised under existing laws.

[21] The typologies of rights deprivations drawn from Kundan Kumar et al. (2005, & 2008), Oliver SpringateBaginski et al, (2009), SoumitraGhosh, et al. (2009) Gadgil, M and RamachandraGuha (1997) Kailas Sarap et al. (2009) (unpublished)).

[22] A Socio-Economic and Legal Study of Scheduled Tribes' Land in Odisha (2005) By Kundan Kumar , PranabRanjanChoudhary, SoumendraSarangi, Pradeep Mishra and SricharanBehera, (unpublished report) VASUNDHARA, Bhubaneswar, , p.4

* ***'Encroachment':*** (i) lands which were declared state forests without right settlement, (ii) displaced from ancestral land due to 'development' projects without rehabilitation, compelled to occupy new forest land, (iii) occupied state forestlands due to scarcity of land or landlessness or moved to new places due to epidemic or socio-cultural belief.

* ***'Forest villages':*** Large number of pre-existing recorded and unrecorded forest and unsurveyed villages, habitations existing in forested landscape, the rights of which are not recorded. Even the villages established by Forest Dept for labour in forestry operations have been deprived of their basic rights and legitimate recognition of the rights over their critically dependent forest lands and resources.

* ***Particularly Vulnerable Tribal Groups:*** The PTGs were mostly belonging to 'hunter-gatherers', shifting cultivators and other non-sedentary groups. Shifting cultivation has been a way of life of these groups and other tribes and has been part of the evolutionary process of human being.

* ***Sacred groves:*** The widespread traditional practice of conserving local forests as sacred areas has no special provisions unlike other forests and often treated neglecting the community conservation potential through normal forestry operations.

* ***National parks/sanctuaries:*** Rights of the inhabitant extinguished in protected areas without due legal process. Those who have inadvertently become residents of parks can also suffer from all sorts of service provision and access deprivations. As per information submitted to the Supreme Court, 60% of India's national parks and 62% of wildlife sanctuaries have not completed their process of rights settlement, subjecting hundreds of thousands of people to an extremely restrictive regime without acknowledging their rights.

* ***Revenue & Forest boundary disputes:*** The revenue and forest departments' maintain separate land records for the areas under their respective jurisdictions. However, these records are full of anomalies in which both the Departments often have the same land in their respective records. The "forest area" in the country, in the records of the Revenue Department, is 7.66 million hectares less than that recorded as such by state Forest

Departments. These 7.66 million hectares (an area twice the size of Kerala) are disputed between the two departments. The government has no idea whether these areas actually have any forests or not. Revenue departments have distributed leases/'pattas' for these which the forest department terms illegal, under the FCA 1980.

* ***JointForest Management:*** There are now more than 100,000 ad hoc JFM committees formed based solely on administrative provisions with no legal basis. In some cases common forests and cultivated lands with unclear tenure have been brought under JFM by the Forest Department leading to evictions of cultivators and provoking conflict between villagers.

* ***Self-initiated forest protection (CFM):*** Local CFM groups have sought to protect forests on which they depend, yet this has often led to conflict with forest departments due to the protecting communities lacking legal rights over their forests.

* ***Earlier evictions:*** Many households have been evicted as 'encroachers' because they have lacked tenure for their customary land.

* ***Displacement/'diversion' of forest lands:*** Millions of forest dwelling and predominantly tribal households have been displaced from forest lands without proper compensation or rehabilitation because they lacked recognised tenure rights (Sarin 2005).

* ***Loss of land through plantations:*** The plantations on government land cultivated by tribal have emerged as a major reason of exclusion. For example, in Odisha during 2000-05 alone the plantation over 54,835 hectares area was carried out by Forest Department in Keonjhar, Koraput, Rayagada, Malkangiri and Nabarangpur district, which were actually cultivated by the people.

In this context the FRA has particular significance for the forested, tribal inhabited and mineral rich but most impoverished belt of India. About 23 per cent of the country's geographical area has been designated as forest, upon which about 275 million people directly depend for their livelihoods and about 100 million people live on land classified as forests. Forty percent of India's poor live in about 1.73 lakh forest-fringe villages. Poverty in forest areas is mainly due to

insecurity of tenure and deprivation of access rights to forest resources – both pointing to the need for forest tenure and governance reforms.

1.2.1 Forest Rights Deprivations in Andhra Pradesh & Importance of FRA:

Forest administration in AndhraPradesh was under a-two tenurial system prior to the formation of the State in 1956. The British ruled areas along the Eastern coast were governed by the Madras Forest Act or laws under Madras Presidency Administration. Forests in the Northern districts which is now part of the Telengana region were under Nizam's administration. The forests of Kurnool were governed by individual rulers which was later taken over by Nizam. Prior to the formation of Forest Administration in Nizam's administration in 1857, forests were under the control of revenue department, which exploited it through a permit system. However, the customary rights over minor forest produces, fuel wood, timber for housing were respected. Certain communities enjoyed rights over select species under '*abkari'* system. Initially 13 species were placed under the control of Forest Department and the rest were managed by the Revenue Department. In the year 1893 government declared vast areas covered by forest vegetation as protected forests and placed under the control of forest department. To provide a legal basis Nizam's administration enshrined a legal basis for forest management in 1900. This law enabled reservation of more lands, introduction of silviculture and systematic exploitation of timber.

The basis of forest management in British managed areas was discussed in the forest committee report of 1805. Initially a proclamation declaring royalty rights over Teak and through prohibiting unauthorized felling was made. The idea was to control destruction of forests by imposing reasonable restrictions on usage by local communities. Gradually, Indian Forest Act of 1865 started the process of reservation of forest lands and curtailment of peoples' rights. However, there was stiff opposition when revised Indian Forest Act 1878 was implemented. Hence a separate Madras Forest Act was enacted in 1882, which was applicable to coastal Andhra and Rayalsima region.

The revision in forest laws continued and Indian Forest Act, 1927 provided a comprehensive framework for forest management which largely masked over the customary rights. This process of deprivation continued during survey and settlement operation in 1979 as well. The *zamindari* abolition law of 1961 vested large areas of forest under the control of forest department. The Nizams also followed suit by enacting Hyderabad Forest Act 1945 which is largely a replica of Indian Forest Act, 1927.

The lands recorded as *paramboko* in revenue records in Nellore district are claimed as reserve forests in forest department records. Forest Department took up palm plantations in these lands which were earlier cultivated by the tribals. Historically, these were lands vested by the feudatory rulers in the name of villages. These lands do not have forest vegetation indicating that for long years such were under cultivation. The conflicting situation over legal ownership on land as well as the plantation of palm taken together alienated the tribals from their land and livelihoods.

In Agencies tracts of Vishakhapatnam which was earlier governed by Ganjam and Vishakhapatnam Agency Tracts Act and Nallamala range near Srisailam Tiger Reserve, the problem of "Enclosure Villages" which were neither surveyed nor recorded in revenue records deprived the tribal inhabitants in these villages of their rights of ownership.

1.2.2 Forest Rights Deprivations in Chhattisgarh & Importance of FRA:

The forest governance history of Chhattisgarh resembles situation of several other forested states of India and similar pattern of deprivation of forest rights of tribals and other marginalised sections could be observed. The Indian Forest Act promulgated by the British brought in vast tracts of forest land under exclusive ownership of the State thereby restricting rights and access of large sections of tribal and dalit communities who depend on it. Parts of MadhyaPradesh and Chhattisgarh called Central Provinces were under direct British rule while other parts were under the Princely States. In British ruled state large areas were brought under the control of the forest department and Zamindari and Ryotwari systems were introduced towards agriculture tenancy. In Zamindari areas, the forest lands were under the control of Zamindar whereas in Ryotwari areas, such forest lands were under community control.

The forests under Zamindari and Ryotwari areas were gradually apportioned after formation of MadhyaPradesh in 1956. This was faced with opposition and to ward off any such situation and for consolidating forest department's control over community and zamindari forests, the Protected Forest Act, 1960 was passed. The princely states witnessed huge dispossession of tribals as procedure for conversion of commons into reserve forest was not duly followed and all customary and traditional rights of forest dwellers was usurped.

Post-independence, in MadhyaPradesh (including today's Chhattisgarh), the forest department and the revenue department emerged as two key agencies controlling forest land and its affairs. In MP and Chhattisgarh, their rights over forest are often entrenched in complexities, though both have elaborate procedures and laws to deal with forests. Both the States combined, there is a disputed territory of 12374 square kilometres over which both the forest and revenue department lay claim (Garg, 2005). This tract of land is popularly called 'Orange areas' as such areas have been marked in orange colour in the maps.

In undivided MadhyaPradesh, the 1910 settlement included preparation of record of the Revenue Department (*missal)* and a Record of Rights (*missal haqaiyat*) and the usufruct rights records (*nistar-patrak*) of each village mentioning the kind of activities and the land use in future. These were accepted as community settlement that included multiple rights like nistar, pastoral land, gothan, khalihaan etc. and the entire settlement has been mentioned in the *missal*, and *nistar-patrak* of each village.

In 1950, after abolition of zamindari, the nistaar lands under control of zamindars and malguzars were acquired by the revenue department, and subsequently the ownership was passed to forest department through a notification. However, no change was made in the revenue records and such lands were continued to be shown as *dhakalrahit nistar* (encumberance-free nistaar lands). This created a situation of double ownership as both FD and revenue department laying their claims over it. In 1959, the nistaar rights over such lands by local communities were reinforced under the M.P.Land Revenue Code which allowed for their rights as mentioned in their nistaarpatrak. An estimated one million *pattas* or leases have been issued by the revenue department to ST and SC families in M.P and Chhattisgarh combined over such areas under the 'grow more food' programme of the 1960s/70s. (EktaParishad, 2003; Garg, 2005 cited in Sarin

and Springate-Baginski, 2010). [23] The FRA recognises the right to conversion of such leases and pattas into titles in line with MoEF's 1990 order.

An estimated 12 lakh potential individual right holders and more than 10000 villages of Chhattisgarh are potential right-holders of community forest resources in addition to numerous PTGs who are potentially to be covered under habitat rights and sections of pastoralists communities would require their rights over seasonal landscapes to be established as per provisions of the Forest Rights Act. Thus scope of Forest Rights Act in the state is enormous and huge efforts are required to provide recognition to these bundles of rights.

1.2.3 Forest Rights Deprivations in Odisha & Importance of FRA:

The rights deprivation scenario in Odisha is not different to other States. In addition, it's rather more intense and more critical with their variations in typologies. The land and forest tenure history of Odisha is very complex, inherited from its diverse political and administrative history inherent from three British provinces namely Central Provinces (Parts of western Odisha), Madras Presidency (South Odisha), and BengalProvince (Coastal Odisha) with amalgamation of 24 princely states merged with Odisha in 1948 &1949. In Odisha the parts of Central provinces were governed by the IFA, 1927, whereas parts of Madras Presidency were governed by MFA, 1882. Almost all of the princely states had their own forest acts or Rules based on IFA, 1927 or MFA, 1882. The Odisha Forest Act, 1972 was passed overriding both the Acts and became applicable all across Odisha.

An objective and empirical research on historical processes of forest governance reflects the intricacies relating to forest tenure issues in Odisha. The IFA, 1927 has remained as central legislation is still operational has legitimated the deprivation of customary rights of the local communities. Through this Act, any forest land or wasteland is the property of the State and the Government assert proprietary rights over them by issuing a notification as reserved forest. This

[23] Anil Garg has done a seminal study on the orange area issue and his report is available at http://www.doccentre.org/docsweb/adivasis_&_forests/orange_areas.htm

Act enabled the Government to declare more and more land as reserve forests, without ascertaining the rights of the tribals and other forest dwellers.

Interestingly, majority of the forest areas of the erstwhile princely states and Zamindaries[24] were declared through blanket notifications without proper survey and settlement of rights or following due process of law. This had resulted in continuation of forestland cultivation and existence of forest villages within these forest areas. When transfer of all the forest areas from the erstwhile princely states and Zamindaries in Odisha to the state govt. took place in 1952 an amendment was made in IFA, 1927, by adding u/s20 (A), in 1954 and no further survey was undertaken and these areas were designated as deemed forests. For example, in Bamra/ Bamanda state (the erstwhile Sambalpur and present Deogarh district) there was no distinction between waste land and *sadharana* jungle and all waste lands were part of *sadharana* jungle[25]. Many *SadharanaJungals* were lost during the process of construction of DP Canal, named after the Rajmata of Bamra State, in 1938. After the merger, all the reserve forest of the state was retained as reserve forest and all other category of forest were declared as deemed protected forest. According to section 20-A (4) of the IFA 1927, "*forests recognized in the merged territories as Khasora forests, village forests or protected forests or forests other than reserved forests, by whatever name designated or locally known, shall be deemed to be protected forests within the meaning of the Act.*" As a result, large number of tenants lost their reclaimed land from the *Sadharan Jungal* without compensation, which had the maximum impact on the tenurial history of Deogarh. All the rights and concession enjoyed by the people were taken away[26].The user needed permission for any kind of use of the forest. Even now, there are serious disputes regarding legal status of these deemed forests due to lack of final notification and incomplete rights settlement process of forest dwelling communities.

The most critical issue of the forest dwelling communities in Odisha is their right over the forestland and forest resources, upon which they have been critically depending for their

[24] Odisha had 24 Princely states & several Zamindaries as intermediary tenures prior to Independence, which were abolished in 1952 through Estate Abolition Act, 1952. Most of these relatively autonomous states had varied forest laws and rules based on IFA, 1927 & Madras Forest Act, 1882, *A Socio-Economic and legal study of ST land in Odisha*, 2005, page, 46, *Forest Enquiry Report*, Govt. of Odisha, 1959.

[25] *Sadharana* jungle includes that forest which by law is not declared as reserved forest of the state. Precisely the territory of sadharana jungle was far more as it includes all land other than land settled against individuals, habitation, orchid, tank, road, burial ground, land earmarked for future settlement or reserve forest. It included *Khesra*, *Patita* and *Abad* land.

[26] R.K.Ramadhyani, *Report on Land Tenures and the Revenue System of the Odisha and Chhatisgarh States,* Volume III-The Individual Sates, Indian Law Publication, Berhampur, p.19.

survival. The availability of per capita cultivated land has reduced from 0.39 hectare in 1950-51 to 0.13 hectare in 2007-08.[27] The major proportion of land in the backward regions of the State[28] have been classified as govt land-forest and revenue wasteland, during revenue and forest settlement processes, ignoring customary rights of the people. Thus, the dependency on forestland cultivation is much higher in these regions. In the economic, socio-cultural and religious life of these populations forests played a pivotal role. In the Scheduled districts, the landless and marginal landholders have very high dependency over MFPs. Nearly 6-8 months in a year for supported for subsistence,[29] engaging as many as 300 million women days in collection of MFPs(Ojha, 2006). The other critical uses such as medicines, fruits and roots, fuel wood, burial and grazing grounds, religious and sacred places, water stream, etc. are also derived from the forest.

It is estimated that 78% of the total population is critically dependent on primary sectors consisting of Agriculture,[30] forestry, etc. for livelihood sustenance and forest based resources alone constitute nearly 40% of the total income of forest dwellers. Hence, governance of forest areas covering nearly 40 % of the total geographical area of the state holds significant implication for livelihood and food security of forest dependent poor.[31] Most of the forested landscapes are located in schedule Vth areas, which constitute nearly 44% of the total geographical area of the state,[32] where access to forests resources is very poor despite high dependency. According to an estimate, nearly 40% of the forest areas in Odisha still lack final notification and settlement of land and forest rights within these areas remain disputed(M.S.Sarin, 2002). Many such forest areas contain large number of forest villages, which lack basic facilities due to non-conferment of status of revenue village. As per 2001 Census, 526 villages are located within ReserveForest. The working plans also show existence of

[27] Economic Survey of Odisha, 2008-09, Govt. of Odisha.
[28] Analysis of data from Agriculture Census of Odisha 1995 by Vasundhara (the govt. land include all revenue waste land and forest land in the District e.g. Koraput-69.13%, Rayagada-81%, Nawarangpur-68.13%, Malkangiri-82.12%, Gajapati-84.61%, Kandhamal-85.53%, Sundergarh-78.13%, etc).
[29] Vasundhara (2006) Enhancing income of marginalized communities through appropriate policy changes, http://www.vasundharaodisha.org/download22/Enhancing Income of marginalised commuities through appropriate policy changes.pdf
[30] The primary sector provides livelihood to 77.48% of total workforce. Apart from this, the dependence on primary sector in under-developed Kalahandi, Bolangir& Koraput region covering 8 districts has marginally declined from 85% in 1971 to 84% in 1991. Odisha Development Report, Planning Commision,page,85 & 118
[31] Report of Forest Survey of India (2003), 37.34% of total geographical area of Odisha is recorded forest area.
[32] In scheduled areas the proportion of tribal population is more than 50% of the total population, which are included in schedule Vth of the constitution having special laws for protection land and forest rights of tribal. There are six fully scheduled districts (Koraput, Rayagada, Malkangiri, Nawarangpur, and Mayurbhanj &Sundargarh) and several other Tahasil& blocks of other Tribal districts coming under scheduled area.

many more villages in RFs, PRFs, and Demarcated Protected Forests etc. These villages and dwellings constantly face the threat of eviction and exist under perpetual tenure insecurity. Apart from the procedural irregularities, widespread displacement of Tribal from forestland has also taken place due to development projects.

The MFA, 1882 and IFA, 1927 had specific provisions for declaring "Reserve Forests" and "Protected Forests"[33] only after a process of rights settlement was carried out. The Odisha Forest Act, 1972, which is primarily based on IFA, 1927 also defines two categories of forests- Reserved Forest and ProtectedForests and follows the similar processes of settlement of rights before declaration of ReserveForest. It also says that the Government can declare any land which is the property of the Government as ProtectedForest only:

"If the nature and extents of rights of Government and of private persons and village communities in or over the land comprised therein has been inquired into and recorded at a Survey and Settlement or in such other matters as prescribed".

Prima facie, the forest laws provide protection for settlement of rights of the local people and communities before declaration of any land as forests. This covers a vast number of cases where the forest settlement process has either not been properly conducted, according to the due process, not been completed or people were not notified, or where all areas were not checked. A particular issue here is the declaration of vast tracts of land as 'deemed' forests, without any ecological or social surveys, and where the process of settlement of rights was circumvented. These include declaration of "deemed" ReservedForests and ProtectedForests, non-recognition of rights on land used for shifting cultivation and improper settlement of rights on forest lands. These factors have ensured that large areas of land have been categorized as forest lands without recognizing the rights of local communities on these lands[34].

In the previous section detailed mention has been made about the main effect of FCA, 1980 and the legal constraints it had created and aggravated in the settlement of rights over the lands categorized as forestland. In Odisha due to improper revenue and forest settlement process large

[33] The MFA, 1882, also had provisions for declaration of ReserveLand, ProtectedLand and UnreservedLands, which were extensively used in the Madras Presidency areas of Odisha.
[34] A Socio-Economic and legal study of ST land in Odisha, By Kundan Kumar, PRChoudhary, SoumendraSarangi, PradeepMishra, SricharanBehera, Vasundhara, Bhubaneswar (2005).

areas of lands have been wrongly classified as forestland without having any forests cover cannot be settled or recorded in the name of cultivators. Even those lands were given lease for cultivation before 1980. In Scheduled Areas of Odisha the areas of forestland varies from 50 to 85 %. In some of the villages 95 % of the lands within the revenue boundary belong to forest category.

This implies that once a land is classified as forest of any sort, it can't be used for cultivation or any other purpose without MoEF's permission and ownership rights can't be given without Supreme Court's permission. This all-encompassing law doesn't take into account the unique situations in different parts of the country, and assumes that categorization of land as forest has been done as per law and more important, with justice (Kumar et al, 2005). It totally ignores the confusion that exists in land and forest records in various parts of India, including Odisha.

The extreme poverty prevalent across forest peoples in Odisha is closely linked to their systematic marginalization since colonial times. They have experienced deprivation of customary rights to practice their traditional livelihoods, and to own control and use forests and other common property resources[35]. In all over the country, Odisha has been experiencing all types of rights deprivation since colonial times.

The continued rights deprivations of the Scheduled tribes and traditional forest dwellers over their own ancestral lands have led to massive unrest and conflicts in those backward districts of Odisha. The growing extremism in those regions are said to be the result of such historical processes of exclusion in Odisha. In comparison to other States of the Republic the forest dwellers in Odisha have been facing serious threat to such complex deprivation issue and became more vulnerable by losing their resources and residences. Therefore, FRA is very much relevance in Odisha to address such long standing issue of deprivation by recognizing those customary rights of the forest dwellers.

[35]Kailas Sarap, SricharanBehera, Pradip Mishra & Oliver Springate-Banginski (2009) *ForestPeoples, Rights Deprivations and the Forest Rights Act 2006: Pro poor institutional reform in Odisha*, page .3, Kundan Kumar, PranabRanjanChoudhary, SoumendraSarangi, Pradeep Mishra and SricharanBehera (2005) A Socio-Economic and Legal Study of Scheduled Tribes' Land in Odisha, page. 4

1.3 The Forest Rights Act & its Key Provisions

Millions of Indian people live in and close to forest lands. But they have no legal right to their homes, lands or livelihoods. Before a few government officials have all power over forests as well as the forest dwellers. As a result, the forests declined and the forest dependent people deprived of their rights over forest. To make the ST people and the forest dwellers empowered, the Forest Rights Act recognises forest dwellers' rights and makes forest governance and conservation more accountable. Thus the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been enacted:

(i) To vest forest rights and occupation in forestland in STs and OTFDs residing in forestland for generations but their rights could not be recorded and provided a framework for recording the forest rights so vested on forestland.

(ii) To strengthen conservation regime of the forests by ensuring livelihood and food security of the forest dwelling STs and OTFDs including the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance.

(iii) To address the historical injustice done to the forest dwelling STs & OTFDs on their ancestral lands and their habitat, which were not adequately recognized during consolidation of State forests in colonial as well as in independent India ?

(iv) To address the long standing tenurial insecurity and access rights STs and OTFDs including those who were forced to relocate their dwelling due to State development interventions.

Broadly, the law ***recognizes*** **the following** ***types of rights:***

1. **Land rights** – To land they have been occupying for cultivation or habitation prior to December 13, 2005 (section 4(3)). Those who have pattas, leases or grants issued by the revenue or other government department but which is not recognized by the forest department due to the land also being recorded as forest land, or whose land is the subject of a dispute between the occupant and the forest department, can claim titles to those

lands (section 3(1) (f) and (g)). The land cannot be sold or transferred to anyone except by inheritance (section 4(4)).

2. **CommunityForest rights** - The law also recognizes a range of community forest rights including the following:

   Right of ownership, access to collect, use and dispose of minor forest produce which includes all non-timber forest produce of plant origin including kendu patta and bamboo that has been traditionally collected (see section 3(1) (c)).

   Grazing grounds and water bodies (section 3(1) (d))

   Traditional areas of use by nomadic or pastoralist communities "i.e., communities that move with their herds, as opposed to practicing settled agriculture".

3. **Right to protect and Conserve** - This law provides communities the right to protect, conserve and manage the forest, wildlife and biodiversity. Section 3(1) (i) provides the right to protect, conserve and manage community forest resources, while section 5 empowers right holders and their PalliSabhas to protect wildlife, forests, etc. This is a crucial provision to support and strengthen thousands of village communities who are protecting their forests and wildlife in a state like Odisha.

4. **Developmental rights of the Gram Sabha -** The Act has envisaged the most critical need of a village for developing minimum service delivery infrastructure. In a suppressive legal and state apathetic environment, fighting and assertion of rights and entitlement for a less literate innocent tribals and dalits communities to get access to service delivery system, despite having legal back up, would be a hard some affairs. In this context, the provision for developmental rights under FRA is very crucial.

The provisions for diversion of forest land for developmental facilities managed by the government made for 13 types of development facilities in a village, like schools;

a) dispensary or hospital;

b) Anganwadis;

c) fair price shops;

d) electric and telecommunication lines;

e) tanks and other minor water bodies;

f) drinking water supply and water pipelines;

g) water or rain water harvesting structures; minor irrigation canals;

h) non-conventional source of energy;

i) skill up-gradation or vocational training centres;

j) roads; and

k) community centres

Nature of Forest Rights:

1. A right conferred u/s 3(1) shall be:
    - heritable but not alienable or transferable
    - Registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of household headed by a single person
    - In the absence of a direct heir, the heritable right shall pass on to the next of kin.
2. Save as otherwise provided, no member of a forest dwelling ST or OTFD shall be evicted or removed from forest land under occupation till the recognition and verification procedure is complete.

1.4 Key Provisions of FRA Amendment Rules, 2012

The enactment of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Forest Rights Act) (FRA) and Rules 2007, is an important watershed

in the history of tribal empowerment in India especially relating to tenure security on forests and forest land. Implementation of the law has got fillip in recent years after some important interventions at the government level which include amendment in the rules (notified in September, 2012) and guidelines issued by the Ministry of Tribal Affairs, GoI. The FRA rules were amended on September 6th 2012 which may be considered another important land mark in the on-going efforts to implement the FRA Rules. A number of crucial implementation issues have been dealt with under the said Rules. As for example, the issue of bonafide livelihood needs have been further clarified, the concept of community rights have been made more explicit, the manner of disposal of minor forest produce and the transit permit regime has been simplified, the inclusion of those hamlets which are not part of any existing revenue or forest village record has been added, the role of the committee and development of a conservation and management plan has been added, the formal recognition of right over community forest resource and a titled to that effect, the delineation of community forest resource and their mapping process, further clarification on process of recognition of rights, the need for speaking and reasoned order, the appellate procedure and clarifications on grounds for rejections have also been added. Further, the particularly vulnerable tribal groups and their rights have also been emphasized and onus has been put on the district level committee to ensure that their rights are recorded and vested. Another significant provision relates to the post claim support and hand holding to the holders of the forest rights. A sketch of main features of the FRA Rules, 2012 is presented below.

The Central Government, vide the Ministry of Tribal Affairs, New Delhi Notification dated 6th September, 2012 through the Gazette of India, Extraordinary, Part II Section 3 Sub Section- 1 vide no. GSR 669 amended the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for better implementation of the Forest Rights Act, 2006. · The title of the amended rules is the "Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012". · The Rules, 2012 bring more clarity to provisions relating to recognition of forest dwellers' rights to conserve and manage community forest resources and give more powers to Gram Sabha to ensure sustainable management. The important features of the Rules are as follows.

Constitution and Functioning of FRC:

- At least two third members shall be Scheduled Tribes and at least one third shall be women.
- The Forest Rights Committee shall not reopen the forest rights recognized or the process of verification of the claims already initiated before 6th September, 2012.

Functioning of Gram Sabha:

- The quorum of the Gram Sabha meeting has been reduced which shall be not less than one-half of all members of such Gram Sabha and at least one-third of the members present shall be women.

- At least fifty per cent of the claimants to forest rights or their representatives shall be presentwhen any resolutions in respect of claims to forest rights are to be passed. Such resolution shall be by a simple majority of those present and voting.

- The Gram Sabha shall be provided with the necessary assistance by the State authorities.

Free Availability of Proforma/ Formats:

- Ensure easy and free availability all three claim forms including the new Forms such as Claim Form for Right to Community Forest Sources.

Forest Rights Claims cannot be rejected arbitrarily:

- Any modification or rejection of a claim by the Gram Sabha or a recommendation for modification or rejection of a claim forwarded by the Sub-Divisional Level Committee to District Level Committee, needs to be communicated to the claimant.

- No petition of the aggrieved person shall be disposed of by any authorities without giving reasonable opportunity for presenting anything in support his claim.

- Sub-Divisional Level Committee or the District Level Committee cannot insist upon any particular form of documentary evidence while deciding any forest rights claim other than evidence specified in rule 13.

- Satellite imagery and technological tools cannot be treated as the replacement of evidence prescribed in the Act for verifying the claims, but can only be used as supplements.

- The new rules put additional conditions for rejections to ensure that claims are not rejected arbitrarily by the authorities. The authorities will now not be able to reject the claims after being absent from the field verification process. In case the District Level Committee does not approve a claim approved by the Gram Sabha and the Sub-Divisional Level Committee, it shall have to record the detailed reasons for doing so in writing and a copy of its order made available to the concerned claimant.

Rights to Protect, Conserve and Manage CommunityForest Resources:

- New claim form C and title deed for community forest resources introduced.

- Procedure prescribed for delineation of boundary and mapping of community forest resources.

- Boundary of Community Forest Resource may include existing legal boundaries such as reserved forests, protected forests, National Parks and Sanctuaries

- Forest rights related to protection, regeneration and management of community forest resources by forest dwellers for sustainable use shall be recognized in all the villages; in case this is not done in a village the reason shall be recorded by the Secretary of District LevelCommittee.

- The District Level Committee should ensure providing a certified copy of the record of the right to community forest resource and title under the Act is provided to the concerned Gram Sabha or the community whose rights over community forest resource have been recognized under clause (i) of sub-section(1) of section 3.

Gram sabha to constitute committee and approve the conservation and management plan for community forest resources:

- The Gram Sabha shall constitute committee under rule 4 (e) which shall prepare a conservation and management plan for community forest resources and if it considers this necessary then can integrate such conservation and management plans with the micro plans or working plans or management plans of the forest department with necessary modifications.

- Gram Sabha will monitor and control the committee constituted under clause (e) of sub-rule (1) of rule 4.

- Gram Sabha will approve decision of the committee pertaining to modification of conservation and management plan.

Recognition of PTG and pastoral/nomadic community rights:

- The District Level Committee shall ensure that all Particularly Vulnerable Tribal Groups receive habitat rights, in consultation with their concerned traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognizing floating nature of their Gram Sabhas.
- The District Level Committee shall facilitate the filling of claims by pastoralist, transhumant and nomadic communities as described in clause (d) of sub-section (1) of section 3 before the concerned Gram Sabha.

SLMC Meeting:

- SLMC meet at least once a quarter to monitor the process of recognition and vesting of forest rights, consider and address the field level problems and furnish quarterly progress report, which includes status of claims, compliance required under the Act and reasons for rejection of claims.

Identification and consolidation of uncovered hamlets for vesting forest rights and conversion of forest villages into revenue villages:

- Panchayat to prepare a list of hamlets or habitations, unrecorded or unsurveyed settlements or forest villages or taungya villages, formally not part of any revenue villages or recorded forest village and get the list passed through a resolution by convening the Gram Sabha of each such habitations and hamlets to include these as villages for the purpose of the Act and submit such list to Sub-Divisional Level Committee and District Level Committee for their finalization.

- District Level Committee to make available list of villages for public comments before finalization.

- After finalization of the lists of hamlets and habitations, the process of recognition and vesting of rights by the Gram Sabhas and Forest Rights Committee of these hamlets and habitations may be undertaken without disturbing any rights, already recognized.

- The District Level Committee shall ensure conversion of forest villages, unrecorded settlements and such conversion shall include the actual land use of the village in its entirety, including lands required for current or future community uses, like, schools, health facilities and public spaces.

Gram sabha to issue transit permit and collection of MFPs are free from all royalties or fees:

- Forest dwellers or their cooperatives or associations or federations can transportMinor forest produce (MFP) by appropriate means of transport within and outside forest area.

- The transit permit shall be given either by the Committee constituted by the Gram Sabha under clause (e) of subrule (1) of rule 4 or by the person authorized by the Gram Sabha.

- Gram Sabha will approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of forest produce or modification of management plans shall need the approval of the Gram Sabha.

- The procedural requirement of transit permit in no way shall restrict or abridge the right to disposal of minor forest produce.

Post claim support to holders of forest rights:

- Ensure all government schemes such as land improvement, land productivity, basic amenities and other livelihood measures relevant to upliftment of forest dwelling Scheduled Tribes and other Traditional Forest Dwellers whose rights have been recognized and vested under the FRA are provided.

1.5 Context of the study:

The recognition of rights under FRA includes individual rights over forest land, community rights over forest and forest produce, habitat rights of particularly vulnerable tribal groups (PTG) and seasonal rights of pastoralist and nomadic tribes. Crucially, the FRA empowers the *Gram Sabhas* (Village Councils) for initiating and facilitating the process of determination of forest rights. As a vital component of FRA community forest resources (CFR) rights provides scope for formal recognition of rights over forest conserved by local communities and also supporting provisions for community's right to conserve biodiversity. Sustenance of forest resource base livelihood through conservation of schemes for the title holding forest dwellers also taken care of by the FRA.

As regards to the FRA achievement the government claims to have disposed around 86.83% of the total forest rights claims received. As on 30th June, 2013, inIndia 3.25 million forest rights claims were filed and 1.30 million (40%) titles distributed. Further, as many as 15,700 titles were ready for distribution. However of total claims, only 65, 864 community claims were filed, of which only 19, 621 titles (29.79 %) have been issued. Recent studies reveal the following implementation issues: i) high rates of rejection of claims; ii) non-recognition of rights of 'other traditional forest dwellers'; iii) limited recognition of community forest rights and habitat rights of PTGs and rights inside protected areas (AITPN, 2012; Action Aid, 2013). Though the implementation of the law has seen success of varying degree and faces multiple challenges, it has opened up possibilities of a progressive and democratic forest governance regime in forested landscapes of the country.

In order to develop a deeper understanding into different issues related to implementation of different provisions of Forest Rights Act, the SC&ST Research and Training Institute

(SCSTRTI), Government of Odisha with supports of Vasundhara, Bhubaneswar and Foundation for Ecological Security (FES) commissioned a National Research Study on FRA implementation in Andhra Pradesh, Chhattisgarh and Odisha. The study aims at developing an overall understanding and perspective on fundamental issues concerning FRA implementation and to arrive at concrete recommendations to further strengthen grounding of the seminal law.

1.6 Organization of the report:

The study report has been organized into 5 Chapters. Besides the Executive Summary, foreword, prefaceand bibliography, there are abbreviations and glossary, contents, and annexure, like post study situational analysis of FRA Achievements in India,a set of Interview Schedules, Tables and Photography section.The "Chapter- I" deals with an introduction note, providing a background on FRA along with its features and benefits and the latest amendments in the Rules, study contexts and organization of the report. While the "Chapter- II" takes care of a review of previous literature on FRA studies referred in this piece of research study, the "Chapter-III" discusses research methodology indicating the sample and source of data collection through the field investigation at the study villages and interview with members of different SDLs, DLs and PRI representative and Govt. official of Forest and Revenue departments and secondary sources information and data supported by Case studies. The "Chapter IV" draws a sketch of FRA implementation including the good practices and critical concernsin three neighbouring states, like AndhraPradesh, Chhattisgarh and Odisha. The "Chapter-V" presents a picture of comparative analysis and FRA study findings synthesis. Last but not the least, the 'Chapter-VI' tries to give a resume of FRA implementation status and concludes with the recommendations and suggestions for effective implementation of FRA in India in general and the three study states in particulars.

Chapter - II
REVIEW OF LITERATURE

2.0 REVIEW OF LITERATURE

Here our purpose of reviewing the literature is to place this study in a historical perspective and to relate its findings to previous knowledge and suggest further research. For the purpose of the study relevant books, journals, news articles, historical records, government reports, theses and dissertations, etc were consulted to provide an overview of past studies on the subject.

The perusal of the FRA related research studies shows that some are conducted in the areas of a single state like Odisha by SCSTRTI, 2009-10 & 2011-12 while some comparative ones are done at inter-states level, like Garg, (2005), Indian Council of Forest Research and Education (2012), Natural Resources – Knowledge Activist Hub& Action Aid, (2013), and Vasundhara, Kalpavriksh and OXFAM, (2013). Taking different subjects or topics into consideration some studies may be categorised as history and origin of the FRA with forest deprivation issues from global to local context (World Bank, 2006, FAO, 2010, Kerr, 2012 &Baginski, 2009), assessment and evaluation of implementation of FRA in different states in India with suggestions (Ministry of Environment and Forest and Ministry of Tribal Affairs, Government of India, 2010). Studies by FAO (2010),SAMARTHAN – Centre for Development Support, (2012) have made exclusive and exhaustive discussion on the issues, like Community Forest Resource Rights and management and governance of forest resources. The review of some of the important findings of the FRA related research studies highlight the following.

The argument of Lynch, and Talbott (1995)justifies how the enactment of innovative and equitable laws and policies concerning community based forest management, especially the legal recognition of community-based property rights, can help provide necessary leverage to local forest-dependent communities so that their interests are fairly represented in forest planning and management decisions. The findings of the study favours a community based tenurial rights regime and a supporting policy environment for the same as a viable alternative to a state ownership of forest which is not sustainable and suggests that there is need to re-define the role of the State and local communities in this alternative context.

Garg (2005**)** identified an area of 12,274 sq. km spread across the states of MadhyaPradesh and Chhattisgarh, the ownership on which is claimed by both the revenue and forest departments of

both the States. It highlights in minute details the trajectory of forest settlement processes from a historical perspective and points out to the loopholes both at policy and implementation level that has shaped such a gargantuan problem. It further outlines as to how such faulty process have deprived rightful access and ownership of thousands of local communities who eke out their livelihoods from such lands.

As a useful guidebook for different levels of persons working on forest rights, FRA legislation brief: Applicability of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 to Protected Areas (PAs), Kalpavriksh (2006) gives a ready reference to understand in simple terms the implications of FRA in the context of rights of communities living in Protected Areas and what provisions of FRA needs to be adhered to with regard notification of protected areas like Tiger Reserves.

The study by the World Bank (2006), "Unlocking opportunities for forest-dependent people of India", foresees the vast potential of forests for poverty reduction and rural economic growth in India and supports critical national conservation goals and put suggestionsfavouring stronger forest rights for communities, effective management systems, improved access to efficient markets and effective and flexible institutions and capacities.

The study by SCSTRTI (2009) made a rapid assessment of existing status of FRA implementation; examined and evaluated the implementation gaps and suggest corrective steps for smooth implementation of the provision of the Act in its true spirit.

"Redressing 'historical injustice' through the Indian Forest Rights Act, 2006 - A historical institutional analysis of contemporary forest rights reform", bySpringate-Baginski et al.(2009)tracesa historical analysis of forest tenures in India and identifies the factors that led to emergence of the Forest Rights Act. Besides, it explores the possibility of institutional reform and its contribution to poverty alleviation within framework of FRA.

Sarin (2010), in her'India's Forest Rights Act -The anatomy of a necessary but not sufficient institutional reform',examined the components of Forest Rights Act to explore whether its provisions would be able to fulfill its ambitious mandate. It suggests that pro-poor institutional

reforms like this can only succeed in conjunction with an ongoing build-up of political organizations of the marginalized in the long term

Chairman, Joint MoEF-MoTA committee, N.C.Saxena, in his report to the committee (2010), highlighted his personal observations regarding FRA implementation and critical issues with regard to implementation of FRA in different states of India. He opined that the FRA implementation process has been reduced to a 'land distribution program' with little focus on adherence to the rules thereby undermining the role of Gramsabha, FRC constitution at Panchayat level making it ineffective, serious lack of awareness and knowledge about the law at different levels, lack of overall preparedness, violation of FRA in Protected Areas and even the law being a non-starter in the north-eastern states. It also came up with a set of general and also specific recommendations with regard to recognition of rights of individual and community nature.

Highlighting the process of enactment of Forest RightsAct in India,the discussion of Kumar & Keer (2012:751-72) in their article, "Democratic Assertions: The making of India's recognition of forest rights act, Development and Change",argues that promulgation of this path-breaking legislation has been an outcome of protracted forest struggles by local communities and their organisations across the country at different points of time. It looks at the importance of role of grass root mobilizations in creating alternate discourses on governance, networking across space and scales and how such processes provide for inclusion of voices of marginalised by using spaces provided by the system of representative democracy in a country like India.

The study byIndian Council of Forest Research and Education, Ministry of Environment and Forest (2012) in five forest and tribal dominated states, like Assam, Chhattisgarh, Jharkhand, MadhyaPradesh and Maharashtra, explores the possibilities of building synergy between different institutions for effective implementation of Forest Rights Act. Observingdifferent institutions and aspects of conservation from policy to implementation to process issues, the study suggests that Gramsabha, which is the key body under FRA for conservation, use, management and regeneration of resource, can be integrated with other statutory institutions for achieving a situation where conservation and rights regime co-exists effectively.

The literature on impact assessment and concurrent evaluation studies highlight the gray areas and also suggest corrective measures for effective implementation of FRA.

The reportof Asian Indigenous and Tribal Peoples Network, entitled The State of the Forest Rights Act: undoing of historical injustice withered, 2012 strongly identifies the loopholes and gross violation of rules in implementation of FRA in different states of India. It foresees that if FRA is not implemented in letter and spirit, it will perpetuate the historical injustice that it had set out to undo.

The SCSTRTI (2011-12) conducted aStudy on Implementation Status and Good Practices in Odisha to assess the status of implementation of the FRA in respect of individual and community claims including the provision under Section 3(2) (Developmental Rights) of the FRA, convergence of developmental programs, appeal and rejection of claim cases and to identify the causes of the rejections and to appraise the different initiatives and measures taken by the Government of Odisha to address the operational issues pertaining to FRA and to assess the actual implementation of the government orders and circulars at the ground level the study also examined the successful interventions, identified gaps in implementation of FRA and suggested corrective measures for making the Act and its amended Rules effective and resolute.

SAMARTHAN - Centre for Development Support, in their recent study (2012)on the implementation of FRA focusing on the community rights in the states of Madhya Pradesh and Chhattisgarh shows that there has been little or no effort to pursue the process of recognition of community forest rights with a largely ignorant potential right holder's community, who are hardly aware of such provisions of the law. This study not only highlights challenges but also suggests way forward.

Das (2013) in his work presents an account of the history, origin and development of FRA along with the social injustice made to the STs and forest dwellers and has raised crucial questions in order to discern reasons for the gap between FRA aims and ground realities and discusses why the FRA failed to benefit the poor in India along with highlighting the need for appropriate laws, adequate resources, and an institutional infrastructure.

Very recently the Overseas Development Institute (2013) in its report, "Devolution as a threat to democratic decision-making in forestry? Findings from three States in India", examines the implementation of Joint Forest Management (JFM) as the first ever decentralization experiment in Indian forest governance. It highlights the loopholes of such a participatory model where most of the control is retained by the forest department and the local communities have little say in decision making with regards to local forest governance and management. Based on this experience, the report argues that such limited devolution measures are indeed a tool to re-control forest governance and thus are a threat to real democracy in forestry decision making.

The report of Vasundhara (2013), 'Community forest rights under Forest Rights Act: a citizen's report on status and recommendations'outlines findings from a study across several states of India viz. Madhya Pradesh, Karnataka, Jharkhand, Maharashtra, Odisha and Rajasthan to understand the status of recognition of CFR rights under Forest Rights Act 2006. It noticed the unimpressive progress in recognition of different rights especially those related to CFR rights across all the study states.There have been some positive initiatives in the recent past in terms of 2012 amendments to FRA rules, multiple consultations on FRA, instances of NTFP deregulation in some cases, Supreme Court's judgement emphasising the need of adherence to FRA and examples of on-ground assertions. But awareness and understanding on the law continues to be highly inadequate added with lack of clarity of FRA's interface with other laws, negligence of rights of PTGs, pastoralists and shifting cultivators, violation of FRA in Tiger reserve notification and forest land diversion. The report lays reasonable emphasis on the need to build in deeper understanding at different levels on the law and focuses on having a more synergistic effort for localised implementation of the law.

Chapter – III
RESEARCH METHODOLOGY

3.0 RESEARCH METHODOLOGY

The "Chapter-III" discusses study objectives and research methodology indicating the sample and data collection sourced primarily from the field investigation at the study villages and interview with members of different SDLs, DLs and PRI Representatives and Government official of Forest and Revenue departments and case studies and information from secondary sources.

3.1 Study Objectives:

1. To assess the status of implementation of community forest rights, its manner of implementation and identifying the gaps if any.

2. To assess the status of appeal and rejection cases, identify and analyze the causes of rejection

3. To verify the claims under Section 3(2) (developmental rights) of the FRA and the procedures adopted for the diversion of forestland for the purpose

4. To highlight the existing initiatives of the Government for convergence of developmental programmes for the development of tribal's and forest dwellers and suggest future action points based on study findings and the local specific requirements.

5. To appraise the different initiatives and measures taken by the respective State Governments to address the operational issues identified and to assess the actual implementation of the government orders and circulars at the ground level.

6. To highlight the successful initiatives and rediscover the gaps and conflicts in the implementation process.

7. To document key developments after notification of the Amendment Rules 2012 and initiatives taken by the state governments.

8. To suggest any corrective measures for making the Act and its Rules effective and resolute.

3.2 Study Universe:

The study coverage is given in detail in terms of district, block, gram Panchayat and village.

Table.3.1. Number of district, Sub-division, Gram Panchayat and Village covered – State wise.

S. No.	State	Sample Covered			
		DLC	**SDLC**	**G.P**	**Village**
1	AndhraPradesh	Chitoor	1	4	4
2		Karnool	1	4	4
3		Vizayanagram	1	4	4
	Sub Total	3	3	12	12
4	Chhattisgarh	Dhamtari	1	4	4
5		Korba	1	4	4
6		Bilaspur	1	4	4
	Sub Total	3	3	12	12
7	Odisha	Dhenkanal	1	4	4
8		Koraput	1	4	4
9		Keonjhar	1	3	4
	Sub Total	3	3	11	12
Total		**9**	**9**	**35**	**36**

(Source: Primary Survey 2013)

Note: Apart from the sample villages some more villages have been covered while doing case studies.

Table.3.2. List of sample states, districts and block covered under the study.

S.No.	State	District	Sub Division	Gram Panchayat	Village
I	II	III	IV	V	VI
1	Andhra Pradesh	Chitoor		Madavaram Nanjampeta Muthukure Madhavaram	• Madavaram • Pirarangaluta • Brahmanpalle • Keelapatta
		Karnool		Sunipeta Sidhapuram Nalguntla Nalguntla	• Makelbanda • Bairlooty • Nalguntala • Padmanthanala
		Vizayanagram		Gangapuram Mulgam Sarika Sampingipadu	• Gangapuram • Velegavalsa • Salaparbanda • Sampingipadu
2	Chhattisgarh	Dhamtari		Madeli Pathar Khadma Pahanda	• Budharao • Mulgaon • Mandvapathra • Pahanda
		Korba		Sapalwa Bariumrao Jemra Kartali	• Raha • Bariumrao • Bagdhara Kartali
		Bilaspur		Amadobe Salheghori Dahibahara Salheghori	• Amadobe • Chhirhitti • Saraipani • Pandripani
3	Odisha	Dhenkanal		Blikuma Kankadahada Balikuma Sahala	• Balikuma • Khuribhanga • Tariniposhi • Sahala
		Koraput		Maliput Gangraipur Gunthapur Sorispadar	• Khirajhola • Nilampadu • Podapadar Dumuriguda
		Keonjhar		Gonasika Baragarh Talachampai Gonasika	• Kadalibadi • Hatisila • Upper Champai • Gonasika

(Source: Primary Survey, 2013)

This National Research Study covers three states of India (Odisha, AndhraPradesh, and Chhattisgarh). It covers a total of 36 villages (on an average, 12 villages from each state), in 35

Gram Panchayat distributed over 12 blocks of 9 districts in three states. Detail of study coverage with names of districts, Gram Panchayat and villages are indicated in Tables 2.1 and 2.2.

3.3 Criteria for Selection of Samples:

The study adopted a combination of four sampling methods (Multistage stratified random sampling, simple random sampling, systematic random sampling and convenient random sampling). In each state three districts were selected and covered based on the following criteria:

1. Rejection Rate (High, Moderate, Low)
2. PTG, TSP and Non-TSP area.

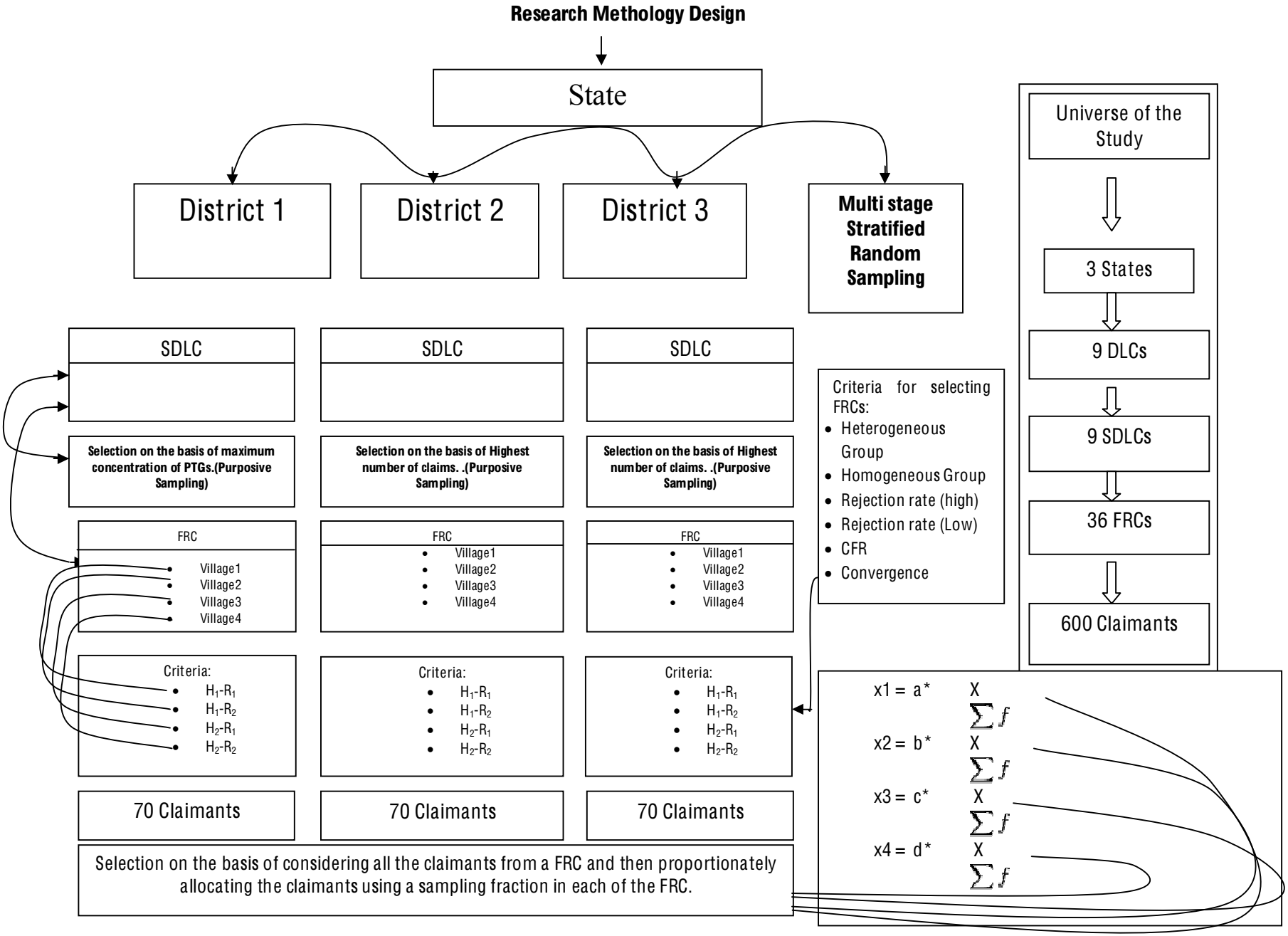
In each district three SDLC were selected on the basis of highest concentration of the following:

1. PTG, TSP and Non-TSP area.

And in each SDLC four G.P and each G.P one village approximately were covered based on the following six criteria:

1. Heterogeneous Group
2. Homogeneous Group
3. High Rejection Rate
4. CFR
5. Low Rejection Rate
6. Convergence

Note: All the sample villages selected for the study may not be selected representing the proposed criteria due to unavailability of such condition at the village level. In such cases purposive sampling was used for selection of the villages which also includes PTG villages.


Research Methology Design
State
District 1
District 2
District 3
Multi stage Stratified Random Sampling
Universe of the Study
3 States
9 DLCs
9 SDLCs
36 FRCs
600 Claimants
SDLC
SDLC
SDLC
Selection on the basis of maximum concentration of PTGs.(Purposive Sampling)
Selection on the basis of Highest number of claims. .(Purposive Sampling)
Selection on the basis of Highest number of claims. .(Purposive Sampling)
FRC
Village1
Village2
Village3
Village4
FRC
Village1
Village2
Village3
Village4
FRC
Village1
Village2
Village3
Village4
Criteria for selecting FRCs:
Heterogeneous Group
Homogeneous Group
Rejection rate (high)
Rejection rate (Low)
CFR
Convergence
Criteria:
H1-R1
H1-R2
H2-R1
H2-R2
Criteria:
H1-R1
H1-R2
H2-R1
H2-R2
Criteria:
H1-R1
H1-R2
H2-R1
H2-R2
x1 = a* X ∑f
x2 = b* X ∑f
x3 = c* X ∑f
x4 = d* X ∑f
70 Claimants
70 Claimants
70 Claimants
Selection on the basis of considering all the claimants from a FRC and then proportionately allocating the claimants using a sampling fraction in each of the FRC.

3.4 Study Tools:

A combination of both qualitative and quantitative data collection methods were used to explore and gather primary and secondary data. The study has adopted structured and also semi-structured interview schedules for collection of data for both qualitative and quantitative responses. Both close-ended and open-ended questions were used to collect primary data from the village. In addition, the study has also adopted other methods like case study, In-depth interviews, along with a couple of Focus Group Discussion to enrich the data pool. A Set of guidelines was prepared and used to streamline the qualitative data collection. 7 different Interview schedules were used for collecting information. Along with these entire tools,GIS was also used.

3.4.1 Household Schedule:

A structured questionnaire was used for collection of sample household information. This Household schedule covered Identification, Family composition, landholding pattern, claim process, status of claim under FRA and some open ended qualitative questions like awareness regarding FRA, functioning of government official etc.

3.4.2 Village Schedule:

A structured questionnaire was used for collection of sample Village information. This village schedule covered things like: Village history, housing pattern, land occupation, geographical area, forest within customary boundary, village maps, village level institution, information regarding FRC, awareness, typology of community rights claimed, participation of women and also some qualitative open ended questions.

3.4.3 FRC Schedule:

A structured questionnaire was used for collection of sample Forest Right Committee information. This FRC Schedule covers constitution of FRC, initiation of the claim making process, meetings, awareness and mostly semi structured qualitative information's regarding the functioning of FRC.

3.4.4 SDLC Schedule:

A structured questionnaire was used for collection of Sub Division Level Committee information. This SDLC schedule covers members identity, constitution of SDLC, functioning and mostly qualitative questions regarding its functioning, awareness, grievances and problem faced during the implementation.

3.4.5 DLC Schedule

A structured questionnaire was used for collection of sample District Level Committee information. This DLC schedule covers member's identity, constitution of DLC, functioning and mostly semi structured questions about awareness, grievances, strategies, problem faces during the implementation.

3.4.6 SLMC Schedule:

A structured questionnaire was used for collection of sample State level Monitoring Committee information. This SLMC schedule covers identification, constitution, functioning, process of monitoring, petition and complains, diversion of forest land, Amendment rule 2012.

3.4.7 Focus Group Discussion:

The guideline for focus group discussions (FGDs) covers both structured and semi-structured questions. It covers the PTG and their Status and functions of institution structures like their traditional institution, social organization, programmer supporting their group, govt. policies adversely affecting their development and other open ended questions.

3.4.8 GIS:

To geo-reference something means to define its existence in physical space. That is, establishing its location in terms of map projection. Geo-referencing involves assigning real-world coordinates to a number of reference points on the image. In Arc Map, this is done using the tools available in Arc Map's Geo-referencing Toolbar. In this example a map is used which has real-world coordinates labeled near the four corners of the map. These points can be identified and assigned their real-world coordinates. These points are referred to as 'control points.

The use of GIS in this research project was basically to find out whether there is a variation in the place of allotment and applied land and variation in the area of allotted land and to document the customary boundary of sample villages and habitats.

3.5 Data Analysis:

- Both qualitative and quantitative data were processed. Tabulation plan are prepared based on the information collection from schedules and analyzed on various accounts.
- Secondary data on FRA collected from the Ministry website, different GPs, Block, Revenue office, ForestRange office, DFO office, PA-ITDA office, Survey of India office and district and state level offices were analyzed properly and documented. Also, various study reports and documents were referred to.
- Primary and secondary information was collected from the households, Government officials (revenue, forest), people, community members, PRI members and government offices.
- GIS analysis was done through Geo-reference of cadastral maps, Google maps, topo sheets and landmarks and plot samples collected from the field.

3.6 Methodology for selection of Study districts considering the two different criteria:

The selection of study district was based on two criteria where a multistage stratified random sampling method was used for the selection and the two criteria were:

1. Rejection Rate (High, Moderate, Low)
2. PTG, TSP and Non-TSP area.

All the districts under the sample states were considered and rejection rate was calculated based on the FRA status report December 2012 and divided into three different strata namely high, moderate and low (high>80%, Moderate between 50-80% and low < 50%) and among these three strata further it was divided into again three different strata i.e. PTG, Non-TSP and TSP based on the secondary source of information from planning commission and then through using simple random sampling one district from each strata were selected.

3.7 Methodology for selection of Study Villages considering the five different criteria:

Criteria for Selection

Heterogeneous Group -coded - a_0

Rejection Rate - coded - a_1 [$a_{1\,(H)}$ &$a_{1\,(L)}$]

CFR-coded - a_2

Convergence -coded- a_3

Homogeneous Group - coded - a_4

As a research objective the selection of villages should represent these following criteria and this methodology was designed in the way so that the villages selected for the study should systematically make a proper representation of the issues.

In order to find out total number of combinations without repetition out of the five criteria different criteria permutation and combination was used which was explained below.

Formulae: $= \frac{n!}{(n-r)!(r!)}$ [repetition is not allowed, order is not important]

n- Type to choose from - 5 [a_0, a_1 a_2, a_3, a_4]

r- Number of criteria to choose from at a time out of five different criteria [two]

Using the Formulae a total number of combinations available are ten without repetition and the combinations are:

1. a_0 - a_1
2. a_0 - a_2
3. a_0 - a_3
4. a_0 - a_4
5. $a_1 - a_2$
6. a_1 - a_3
7. a_1 - a_4

8. $a_2 - a_3$
9. $a_2 - a_4$
10. $a_3 - a_4$

Out of these ten combinations some combinations are practically not possible, mentioned below:

1. $a_0 - a_4$
2. $a_1 - a_2$
3. $a_1 - a_3$
4. $a_2 - a_3$

Considering the first combination which implies after de-cording heterogeneous and homogeneous group which is not possible because if a village is having homogeneous population then that same village cannot be having heterogeneous population and vice versa and other combination were rejected on the basis of first hand information collected from the secondary sources and if it is not relevant to the study objective then also the combinations were rejected.

Note: After eliminating four combinations six combinations are left out to choose among the followings:

1. $a_0 - a_1$
2. $a_0 - a_2$
3. $a_0 - a_3$
4. $a_1 - a_4$
5. $a_2 - a_4$
6. $a_3 - a_4$

Out of six available combinations four combinations were selected considering the best of the representation of the study objectives and criteria but it can be change based on the field situation during data collection, **However purposive sampling can also be used for selection of sample villages in case if the component of the following criteria's were not found.**

1. $a_0 - a_1$ - **Heterogeneous group + Rejection Rate [**High Rejection **(**$a_{1(H)}$**)]**
2. $a_1 - a_4$ - **Rejection Rate[**Low Rejection **(**$a_{1(L)}$**)] + Homogeneous Group**

3. $a_0 - a_3$ - Heterogeneous Group + Convergence
4. $a_4 - a_2$ - **Homogeneous Group** + CFR

3.8 Methodology for selection of sample claimants using a sampling fraction in each of the sample villages:

The methodology was designed keeping in mind the number of sample claimants to be selected out of each district and proportionately selection of the claimant considering the total number of claimant present in the sample villages. The proportionate selections of claimant out of each sample village are explained below.

For Example:

District: xyz

No of villages – '4' Coded as ('a'- village 1, 'b'- village 2, 'c'- village 3,'d'- village 4)

a = 80 No of claimants

b = 120 No of Claimants

c = 40 no of claimants

d = 60 no of claimants

Total sample size = 300

Claimant to be surveyed = 70

Using the formulae: x1 = 80* 70/300 = 19 (a= 80) [Implies out of total 80 claimants in village 'a' we have to select '19' using simple random sampling (lottery method)]

x2 = 120* 70/300 = 28 (b= 120)

x3 = 40* 70/300 = 9 (c = 40)

x4 = 60* 70/300 = 14 (d = 60)

- X = 70 (x1+x2+x3+x4)
- $\sum f$ = 300 (80+120+40+60)

In a sample district xyz if the total number of claimants available in the four selected villages is 300 and the sample size was 70 then out 300 claiamant, 70 samples were selected using the above formulai and after using the formulai number of samples to be covered out of each villages was calculated which is proportianate.

Chapter – IV

STUDY FINDINGS IN STATES OF ANDHRAPRADESH, CHHATTISGARH & ODISHA

4.0 STUDY FINDINGS IN STATES OF ANDHRAPRADESH, CHHATTISGARH & ODISHA

The following discussions in this "Chapter IV" draw a sketch of FRA implementation including the good practices and critical concernsin three neighbouring states, like Andhra Pradesh, Chhattisgarh and Odisha.

4.1 State Profile: AndhraPradesh

Andhra Pradesh is the fifth largest state of India with a geographical area of 275045 sq km. The state has a total population of 84.66 million of which 66.5 per cent lives in rural areas (Census, 2011). Administratively the state is divided into 23 districts which are further sub divided into 1104 *mandals* for the purposes of revenue administration. Unlike many other states, there is no intermediate administrative unit between the district and the *mandal*(equivalent to community development block). The state is divided into three distinct socio political regions namely Coastal Andhra, Telengana and Rayalseema. While coastal Andhra and Rayalseema were part of erstwhile Madras presidency, Telengana was part of the Nizam ruled Hyderabad princely state. The present state of AndhraPradesh came into being on 1st Nov 1956 after the integration of these three areas.

The state can be divided into three physiographic zones namely Eastern Ghats, coastal plains and pene plains. The coastal plains run along the Bay of Bengal from Srikakulam in the north to Nellore district in the south. On the landward side of the coastal plains are the Eastern Ghats which is interspersed by the valleys of Godavari and Krishna rivers and their tributaries. The entire Telengana region and parts of Ananthapur and Kurnool districts of the state come under peneplains.

Tribal communities mostly reside in the hilly areas spread across coastal Andhra and Telengana. There are 35 communities officially designated as Scheduled Tribes(STs) in the state of AndhraPradesh. There are twelve tribes categorized as Particularly Vulnerable Tribal Groups (PTGs) in the state. The total tribal population of the State is5918073 (Census 2011). Scheduled Tribes constitute 7% of state's population.AndhraPradesh accountsfor 6.75 % of India's tribal population. The Scheduled Areas of Andhra Pradesh are spread over 31,485 sq km in 5936 villages. There are 11,855 habitations in these villages. The tribals are mostly concentrated in the Scheduled Areas spread over nine districts. These nine districts are

Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, WestGodavari, Warangal, Khammam, Adilabad and Kurnool. Khammam, Adilabad, Visakhapatnam, Warangal and Nalgonda have at least 10 % of their population as STs. Two thirds of the ST population lives in the forest areas of Eastern Ghats and on the banks of river Godavari. Among the tribes, Sugalis are numerically the largest ST accounting for 41.4 per cent of state's tribal population. They are followed by Koyas(11.3), Yanadis(9.2), Yerukalas(8.7) and Gonds(5). These five tribes constitute 76 % of the tribal population of the state. Three tribal groups namely Lambada, Yerukala, Yanadi mostly live outside Scheduled Areas. Of the total tribal population 92 per cent live in the rural areas. The literacy rate among ST population of the state is 37 % (Census 2001). Female literacy among STs in the state stands at 26.1 %. In terms of administrative set up for tribal development and welfare, there are 10 ITDAs, 41 MADA pockets and 17 clusters. In addition, there are micro projects for undertaking development measures for each of the 12 PVTGs like any other state. Out of one million ST households, almost fifty % live in 10 ITDA areas.

Table.4.1. AndhraPradesh at a Glance

Particulars	Magnitude
Geographical Area(Sq. Kms)	276754
Population: 2011 Census (crore)	8.46
Schedule area(Sq. Km.)	31485(11.37%)
TSP area	31485.34
ST population (%)	7
Districts	23
Tehsils	Not applicable
Development Blocks/ Mandals	1125
Tribal Development Blocks	143 (12.7)
Fully Schedule Area Districts	Nil
Partially Schedule Area Districts	9
ITDA	10
No. Of PTGs	12
Population of PTGs	N.A
PTG Development agencies (Micro projects)	12
TotalForest Area	31485 (23.06% of Geog. Area)

(Source: Census of India 2011)

The total area under forests in the state is 63,814 sq km accounting for around 23 % of the total geographical area(AP Forest Department). Legally these areas are classified as reserved,

protected and unclassed forests. Around 79% of the state's forest area comes under Reserved Forests. Almost one million hectare of state's forestland is notified under Section 4 of Indian Forest Act, 1927 (IFA) and is awaiting final notification to be declared as reserved forests. Three fourth of this is under the occupation of STs and other traditional forest dwellers(Kumar et al. 2008).

Of the 26,586 villages in the state, 5,080 villages have forests as a land use. In terms of forest administration, the areas under Madras presidency were governed by Madras Forest Act 1882 whereas the forests in the Telengana region were managed by the revenue and forest departments of Nizam's administration. The forests in areas like the habitats of Chenchu tribes in Kurnool district were initially under individual rulers followed by the Nizam. Prior to 1857, forests were under the control of revenue department and managed primarily for revenue purposes through a system of permits. However the customary rights of local communities were respected. With the creation of a separate department in 1857, 13 species were placed under the control of forest department leaving the rest to be managed by the revenue department. Nizam's Forest Act of 1900 overhauled the forest administration, abolished dual control and more importantly abrogated century old customary rights of tribals over vast tracts declared as reserved forests. Majority of tribal households in the region were cultivating the land under a land tenure system called "*siwa-i-jamabandi*" which did not confer ownership. In northern Telengana, many tribes practiced shifting cultivation and used to leave lands fallow as part of the rotational system. The declaration of reserved forests did not take these factors and practices into account and subsequently dispossessed tribals of their lands(Haimendorf, 1985). In British administered areas, conflict between revenue and forest departments over "*paramboku*" lands in Nellore, lack of clear boundaries in Agency Areas of Visakhapatnam district and Nallamala Range of Kurnool district affect the tribals. The problem of "Enclosure Villages" in Agency Areas of Visakhapatnam and Nallamala forests deprives the tribals of land ownership. Enclosure villages are villages inside forest areas which are not shown on forest survey maps nor are recorded as revenue villages. Hence deprivation of land and usurpation of rights of tribals over forest lands and forest productshas happened historically before and after independence.

4.1.1 Profile of Study Districts

4.1.1.1 *Chitoor :*

Chittoordistrict was formed on 1st April 1911. It is spread over an area of 15,152 sq km. The population of the district stood at 4.17 million as per 2011 census of which 2.9 million live in rural areas. Administratively the district is divided into 66 mandals. The district can be divided into two natural regions namely mountainous uplands of Madanapalli and plains of eastern Chittoor. The district receives rainfall from south west and north east monsoons. Around 43.5 per cent of the district's gross cropped area is irrigated. It is mostly covered with red soils, red loams and red sandy. The vegetation types are dry mixed deciduous, tropical dry evergreen and thorny scrubs. The forest area accounts for 30 per cent of the district's geographical area. The total tribal population of the district stands at 128,085 which is around 3.42 per cent of the total population.

Table no. 4.2 Chitoor at a glance

Particulars	Magnitude
No. of Sub-division/ Division	11
No. of Block/ Mandal	66
No. of Village	1529
Total Population	41,74,064
ST Population	128085
Population density	275
Sex ratio	1002
Literacy rate	72.36%
Geographical Area (sq.km)	15359
Area under Forest (Sq. Kms.)	2399.00

(Source: Census of India 2011)

4.1.1.2 Vizianagaram:

The district of ***Vizianagaram*** spreads over an area of 6539 sq km and is located in the northern parts of the state and comes under the coastal Andhra region. The total population as per 2011 census stood at 2.34 million of which 1.8 million live in rural areas. Forests occupy 18 per cent of the district's geographical area. 35 per cent of the gross cropped area in the district is irrigated. Parts of the district come under Eastern Ghats. The population of STs in the district stood at 214,839(2001) which accounts for 9.55 per cent of the total population.

Table no.4.3.Vizianagaram at a glance

Particulars	Magnitude
No. of Sub-division/Division	8
No. of Block/Mandal	34
No. of Village	1541
Total Population	23,44,474
ST Population	2,14,839
Population density	359
Sex ratio	1019
Literacy rate	58.89
Geographical Area (sq.km)	6539
Area under Forest	749

(Source: Census of India 2011)

4.1.1.3 Kurnool:

Kurnool is in the Rayalseema region of the state with a population of around 4 million (2011 census). There are around 2.7 million rural inhabitants. The district is spread over 17,658 sq km. Forests account for 18 per cent of the geographical area. Around 21 per cent of the gross cropped area is irrigated. The population of the STs stood at 69,635 which accounts for 1.97 per cent of the total population. Chenchus, a primitive tribal group, live in eastern parts of the district especially in Atmakur *mandal and* NallamalaRange of hills spread over five districts namely Kurnool, Prakasham, Guntur, Mahboobnagar and Nalgonda. The Chenchu habitations also overlap with Nagarjunsagar-Srisailam tiger Reserve. The total population of Chenchus in 2001 was 40,869. Their population stood at 5585 inKurnool district. Chenchus are traditional honey hunters and collect honey from mountain cliffs and caves. Hunting and gathering are their major occupations. They also practice shifting cultivation.

Table no.4.4Kurnool at a glance

Particulars	Magnitude
No. of Sub-division/ Division	11
No. of Block/ Mandal	53
No. of Village	906
Total Population	40,53,463
ST Population	69,635
Population density (Person per sq km)	229
Sex ratio	988
Literacy rate	59.97%
Geographical Area (sq.km)	8303
Area under Forest(sq.km)	2131

(Source: Census of India 2011)

4.1.2 Profile of Study Villages

The 12 study villages are spread over three districts and 10 GPs. The population size varies from 86 to 805. Nearly two-third of the population in the study villages is Scheduled Tribes. In Vizianagaram district, 64.8 per cent of the households in study villages belong to STs whereas in Kurnool it is as high as 91.9 percent. The highest percentage of ST population in Kurnool district as the sample villages has more Chenchu habitations. As Vizianagarm is a TSP district the dominance of ST population is obvious in the study villages. In Chitoor, STs constitute only 28.9% of the population in the study villages. A brief profile of the study villages is given in the following table:

Table.4.5 Profile of Study Villages

S.N.	Dist	Division[36]	GP	Name of village	No. of Hamlets	No. Of HHs		Total Population
						ST	OTFD	
1	Chitoor	Madanapally	Madavaram	Madavaram		16	43	295
2		Madanapally	Nanjampeta	Pirarangaluta		23	48	326
3		Madanapally	Muthukure	Brahmanpalle		12	34	186
4		Madanapally	Madavaram	Keelapatta		4	17	86
Sub Total		**1**	**4**	**4**		55	142	893
1	Karnool	Srisailam	Sunipeta	Makelbanda		173	0	805
2		Srisailam	Sidhapuram	Bairlooty		92	39	573
3		Srisailam	Nalguntla	Nalguntala		58	0	262
4		Srisailam	Nalguntla	Padmanthanala		51	0	227
Sub Total		**1**	**3**	**4**		374	142	1867
1	Vizianagaram	Parvathipuram	Mulgam	Gangapuram		41	0	180
2		Parvathipuram	Gangapuram	Velegavalsa		45	112	746
3		Parvathipuram	Charpagipadu	Salaparbanda		78	46	535
4		Parvathipuram	Sarika	Sampingipadu		32	0	150
Sub Total		**1**	**4**	**4**		196	158	1611
Total	**3**	**3**	**11**	**12**		**625**	**441**	**4371**

(Source: Village aanganwadi, Primery data 2013, census 2011)

In Kurnool district, the study villages are purposively selected on the basis of habitation of Chenchu tribes. Chenchus have specific expertise in collecting honey. They collect honey from the mountain cliffs and caves. They also collect other NTFPs like gum, tamarind, myrobalans, nux vomica, honey wax, mohua flowers, chironji, soap nuts,

[36] AP does not have sub-divisions as administrative unit

different roots and tubers and broom-sticks. Some of these NTFPs are consumed by them and some are sold to Girijan Co-operative Corporation. They cultivate Jawar, Ragi and cow-pea mainly in the forest land. Lack of irrigation potential and draught power prevents them to pursue regular cultivation.Chenchus also rear goats, sheep, buffaloes and cows.

They used to reside in a small conical or oblong hut with thatched roof; however this is now changing due to external developmental interventions. In most of study villages we found that the houses of Chenchus now have RCC roofs.

4.1.3 State Overview on FRA

4.1.3.1 Approach and Strategies adopted by the State government for implementation of FRA :

The de facto implementing agency in AndhraPradesh for FRA is Society for Elimination of Rural Poverty (SERP)/Indira Kranti Patham (IKP). SERP has SHGs in most villages and habitations. The staffs of IKP played major role in the whole process of claims making under FRA. They help initiate the process, fill up the forms, help in evidence collection and interfaces with Mandal Revenue Officers and Revenue Divisional Officers (RDOs). For the villagers, the IKP are the first level of interface as they have staff at the lowest level and controls a large number of govt. programmes. Most of the sampled claimants pursue settled cultivation. FRA implementation is perceived as a land distribution scheme by the govt. The claims are submitted either to the PRI member or FRC coordinator placed at the ITDA level. Voter ID card, PDS ration card and two photographs are submitted as documents and evidences. Joint verification is done by a survey team comprising forest and revenue officers and a GPS person. The claimants are informed beforehand. However the report is not shared at FRC and gram sabha levels. Titles are issued to the claimant indicating the boundary and a sketch map with GPS reading points. However, the awareness about CFR is very low and hence the applications are low as well. **In fact the message and understanding has been that CFR can be applied by VSS only and the titles were issued in favour of VSS chairpersons and members.** In Kurnool district, the government is settling homestead land/dwelling shed for three decimals only which originates from an earlier govt. programme. Rayalseema Development Trust, a missionary organization working in the district, is building houses for Chenchus in these plots.

4.1.3.2 Phases of Implementation:

FRA implementation inAndhraPradeshcan be broadly divided in two phases. The first phase immediately started after notification of rules in 2008 and FRCs, SDLCs, DLCs and SLMC were constituted within three months of the FRA rules coming into force. The second phase began in January 2011. Requisite circulars were issued to expedite the process. This was also for the first time there was a stated focus on recognizing community rights with directions and orders being issued by the Secretary to all District Collectors.

The implementation of Forest Rights Act in AndhraPradesh started right earnest in January 2008 and a roadmap for its implementation was prepared. SLMC was constituted on 21st January 2008 and Chief Minister held first review meeting on 22nd January 2008. The then Chief Minister wrote a letter to all the District Collectors on 2nd February 2008 urging them to attach high priority to its implementation. The roadmap identified the "event" and drew up plan for time bound implementation so that all individual claims are settled by 31stOctober 2008. The "events" listed in the roadmap include constitution of FRCs, SDLCs, DLCs, SLMC, identification and training of resource persons, orientation workshops and trainings of officials at mandal (Block in other states), ITDA and district levels, printing and supply of forms, procurement of village, forest block maps, engagement and deployment of social mobilisers, barefoot surveyors, survey and verification for ascertaining actual possessions and processing and settlement of claims in gram sabha, SDLC and DLC levels. The focus was clearly on individual rights. The implementation was taken up in a project mode and in phases. At the end of phase 1, 323765 individual and 6714 community claims were received. Of these 167797 titles are distributed and 6896 are ready for distribution. A whopping 153,380 claims were rejected. A total of 2406 cases are pending with gram sabha and SDLC. In phase 2, 26381 individual and 4251 community claims were received. Of these 1697 individual and 35 community claims were approved in DLC as of 31st August 2012. The implementation process received the political push in the 1st phase and saw hectic activity and faster processing of claims, though rejection of claims was considerably high.

The steps adopted in the process involved the following

- Identification of habitations/villages and GPs having forest interface

- Instructions to village and *mandal* level functionaries to initiate implementation of the Act
- Identification and training of *mandal* resource persons
- Procurement and supply of digitized forest block maps showing occupations and encroachments to FRCs and gram sabhas
- Printing and supply of claim forms
- Awareness programmes, training and orientation of FRCs
- Conducting*mandal* level meetings with Sarpanch, MPTCs, ward members
- Mobilization of *mandal* survey teams and para legal staff of Indira Kranti Patham(IKP)

Mobilization of resources, especially trained human resources from various govt. departments and agencies was one of the key features of phase 1 implementation. The state govt. also allocated Rs. 20 crores in 2008-09 budget indicating its seriousness about FRA implementation. There are less cases of mismatch between the area claimed and area for which the title is received. The CFR claims did not receive adequate attention in the 1st phase. Moreover VSS areas were considered as CFR claim areas and accordingly processed. This was contested by the Ministry of Tribal Areas and accordingly a direction was issued to the state govt. Since land transfer to non tribals is completely prohibited in Scheduled Areas of Andhra Pradesh under Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 as amended in 1970 and 1971, OTFD claims in Scheduled Areas were not entertained. This is cited as one of the major reasons for high rejections. Another major reason of rejection is individual claims in VSS areas. The contention of the claimants is that in Scheduled Areas, podu lands were surrendered and cultivation was stopped to facilitate implementation of JFM and plantations. In East Godavari district, this happened on a larger scale.

The Act was implemented in a project mode split into phases. The first phase was over by the year 2009. There was hardly any activity during 2010 and 2011. The second phase started in the year 2011 with an avowed focus onrecognising community forest rights. But the process is yet to make much headway in reaching the goal. Moreover important changes especially

amendments in rules made in September 2012 are yet to be incorporated and grounded in the implementation process.

4.1.3.3 Circular, orders, guidelines and letters :

Immediately after the promulgation of the Act, the then Chief Minister convened a meeting and issued directions for convening Gram Sabha immediately to constitute Forest Rights Committees. He also directed the Tribal Welfare department to prepare a road map for effective and efficient implementation by 31-01-2008. Most of the circulars and orders are issued in the preliminary phase i.e. in 2008 and 2009. This got reduced in subsequent years. The important circulars and orders issued are on convergence of different schemes and programmes for titleholders under FRA, demarcation of boundary, use of GPS and taking coordinates and providing unique ID for each claimant,title in the name of both the spouses, procedure for seeking prior approval for diversion of forest land for non forest purposes for facilities managed by the Government under section 3(2) of the FRA Act etc. A list of circulars, orders and letters is appended as Table Annexure – 3.1.2

4.1.3.4 State Level Monitoring Committee (SLMC):

The State Level Monitoring Committee (SLMC), the apexState level planning body, forreview and monitoring FRA implementation, .SLMC meetings have normally been held once in year except that there is no record of any meeting in 2011 and 2012.The first SLMC meeting was held on 29th of January 2008. In the meeting a road map for implementation was prepared. Decision was taken to convene Gramsabha for formation of FRCs. It was also decided to create awareness through handouts, banners made in Telugu language and performing through Kalajathas. A decision was also taken to involve AdivasiSangams, reputed NGOs in the implementation process and to impart necessary training to the Social Mobilisers and Barefoot surveyors.

SLMC met on 19th June, 2009 for the second time to review the progress. Decision was taken to complete the distribution of certificate of titles by 31st July, 2009. Convergence of different programmes was decided in order to increase the productivity of the lands by way of land development, irrigation facilities, raising most remunerative horticultural crops and planting Silver Oak, Coffee, Rubber, Pepper, etc. **The decision was also made that no**

individual would get rights in VSS areas and Community Rights would be issued to VSS of tribal members which apparently violates the law.

The third meeting of SLMC was held on 15th June 2010. Apart from reviewing the status of implementation a decision was taken to withdraw the forest cases filed against tribals who have got title under RoFR. It was informed by the Commissioner; TW that except VSS claims, practically no other community right has been conferred under the Act. Decision was taken to initiate action to obtain claims and confer community rights and to obtain ITDA wise list of uncoveredhabitations. The committee discussed the issue of restricting land development activities by field level forest officials and requested the Principal Chief Conservator of Forests to issue suitable instructions to field functionaries of forest department for allowing developmental activities on lands recognised under FRA.

Therefore, no evidence of SLMC meeting could be found.This slackened the whole monitoring process of FRA implementation and the pace of implementation. Except conferring individual rights, the pace of achieving other provisions of the Act and Rules like forest village conversion, ensuring habitat rights of PTGs, convergence, emphasis on claims as per Sec 3(1), etc**.** remain inadequately addressed.

4.1.3.5 Legal intervention and implications :

A Writ Petition (No. 21479 of 2007) was filed by retired IFS officers Shri J.V. Sharma, Lohit Reddy and A.H. Qureshi Vs. GOI in the High Court of Andhra Pradesh appealing the Hon'ble Court to issue an order declaring Chapter II, III and IVof the FRAas illegal and unconstitutional citing thereason that there is inadequate precaution to safeguard the forest and the act would give protection to illegal occupants and would also encourage further encroachments. A counter-affidavit was to the Assistant Solicitor General, High Court of Andhra Pradesh for filing on 27th February 2008. This was followed by a Transfer Petition (Civil) Nos. 414-417 of 2008 filed in the Supreme Court of India for transferring this Writ Petition, along with other writ petitions in various High Courts, to Supreme Court for combined hearing on 5th April, 2008.There was a hearing on 15th April, 2008, in which the Apex court orally ordered to maintain the status quo. As the High Court has not passed any formal order,this meant that implementation of the Act can continue. However, the order was also not to distribute any land in recognition of Forest Rights. The High Court of Andhra Pradesh passed an Interim Order on 19.8.2008, directing that(i) the process of verification of

the claims shall go on, but before the certificate of title is actually issued, orders shall be obtained from the Court; (ii) as regards felling of trees for diversion of forest land under section 3(2) of the Act, the process shall go on till the clearance of such developmental projects and also the Gram Sabha's recommendation is obtained, but before the actual felling of trees, orders shall be obtained from the Court.The AP High Court finally passed an order that "*the authorities are permitted to issue certificate of title to the eligible forest dwelling STs and other Traditional forest dwellers, and further held that the grant of such certificates will be subject to the result in main writ proceedings challenging the legislation and also subject to the objections pointed out by the petitioners during the enquiry*."

4.1.3.6 Involvement of civil society organisations :

Though there was a resolution made in the SLMC to involve reputed CSOs in the process, very few of them were engaged in capacity building of different stakeholders. Several civil society organisations are active across different districts of the State on FRA implementation. The study team had an opportunity to interact with some of the CSO active in facilitating FRA implementation like Centre for People's Forestry (CPF), Centre for Human Resource and Development (CHRD). Lack of resources also hindered the initiative of CSOs to scale up their operation.

4.1.3.7 Consultations, Workshops & Training :

It was attempted through the study to assess the nature and extent of training and workshops organized in different levels. The team could not gain access to any such documents in the course of the study. Though certain planning meetings are conducted at state level for helping with properimplementation of the Act. Some of the Mandal officials, ITDA officials and Revenue officials explained that they have gone through certain training on the implementation of the Act, when the process started in the year 2008 and 2009.

4.1.4 Status of Claims

4.1.4.1 State Overview

Table 4.6 Overall Status of Claims in the State

Particulars	Magnitude
No of Districts covered	22
No of Gram sabhas held	3799
No of FRCs formed	3799
Total no of individual claims filed	323765
Total no of individual claims approved by DLC	172556
Total Individual title deeds distributed	165691
ST	NA
OTFD	NA
Individual Titles to PTGs	NA
No of CR claims filed	6714
No of Community rights recognised	2106
Hectares of forest land over which rights recognised under FRA	580489
Post right convergence	
Land levelling	NA
Agricultural inputs	NA
Irrigation works	NA
IndiraAwaas	NA
Others	NA
Total right holders covered	NA

(Source: www.tribal.nic.in)

4.1.4.2 Time line and Trend Analysis of Claims

An abstract of the claims made in the state is presented in the table below. It is evident from the fact that out of 323765 individual claims made 165691(51.17 %) claimants has received title till December 2012. Though 6714 community claims made, only 2106 (31.36 %) community rights have been recognized out of which more than 70% of the titles are issued to VSS.

Table No. 4.7.Trend of Individual Claims (2008 – 2012)[37]

Particulars	2008	2009	2010	2011	2012
Claims received at GS	312564	319703	322955	323439	323765
Claims forwarded to SDLC	162709	204164	226943	226943	225490
Claims forwarded to DLC	94090	184663	192239	192239	189708
Claims approved by DLC	83798	181133	174480	174503	172556
Titles distributed	330	163334	165482	165482	165691
Rejected	8693	42866	152606	149826	149826

(Source: www.tribal.nic.in)

It is evident from the above table that that around 96.5% of the individual claims received by Gramsabha happened in2008. In the succeeding years, the claims received are very small in number and submitted in very sporadic manner. It is noteworthy to mention here that only 2% titles were distributed in the first year, (2008) as against 96.5% of claims received. It is also observed that in the year 2009 a whopping 98.58% titles were distributed. The issuance of forest rights title suffered a halt in the first year due to restrain order of High Court. The High Court vacated this order in May 2009 and granted permission to issue titles. Hence most of the pending titles were distributed in 2009. The trend analysis displayed in the table below explains the number of claims approved by DLC for titles every year which show increase in

[37] Figures mentioned above are cumulative

approval up to 2009. The distribution of title further slowed down and was almost static in next three years of implementation of Act.

Table No: 4. 8- Trend of Community Claims (2008 – 2012)[38]

Particulars	2008	2009	2010	2011	2012
Claims received at GS	5460	6600	6703	6704	6714
Claims forwarded to SDLC	NA	NA	3533	3533	3299
Claims forwarded to DLC	NA	NA	NA	NA	2222
Claims approved by DLC	NA	NA	NA	NA	2137
Titles distributed	0	NA	2100	2100	2106
Rejected	NA	NA	NA	NA	3554

(Source: www.tribal.nic.in)

As could be observed from the table above, in the initial years, prime importance was given to individual claims. And claim making for community rights took back seat. Out of the total community claims (6714) received by the Gramsabha, 5460 were received in the initial year. In the initial years the VSS having total tribal members were only allowed to make community claims for the concerned VSS areas. The process slowed down in the succeeding years. It is pertinent to note here that more than 50% of the community claims have been rejected at different levels. Accelerated efforts to gear up community rights claiming process in the second phase of implementation was made by the government.

4.1.4.3 Rate of Recognition39

The status of title issued as against total number of claims received is presented in table 3.1.9The rate of recognition is comparatively low (31.36%) in case of community rights as against individual rights(51.17%).It is pertinent to note here that 15.24% community claims and 0.43% of individual claims are pending at different levels. Rate of rejection of community claims are as high as 52.93%, which is 46.28% in case of individual claim.

[38] Figures mentioned above are cumulative

[39] Rate of recognition has been calculated as a percentage of total approved claims at DLC level as against actual number of claims received at GS level.

Table 4.9 - Status of Individual Rights Recognition in Study Districts

Particulars	PTG	Non-TSP	TSP
Claims received	2351	793	15065
Claims approved	698	110	12880
Area distributed(in acres)	1849	148	35966
% approved	29.7	13.8	85.5
Avg. area/claim(in acres)	2.65	1.35	2.79

(Source: www.tribal.nic.in)

The district wise rate of approval of claim is presented in the table above. The rate of approval of claim is found to be very less (13.8%) in Chitoor (non TSP) district. The reason for less approval is cited as the claims of OTFDs. As the district is having very low ST population the approval rate is also low. The approval rate is also comparatively low (29.7%) in Kurnool(PTG district) for the same reason. In Vizianagaram, which is a TSP district, the rate of approval is whooping 85.5%.

Analysing the trend of approval of individual claims at different level, it is observed that both the individual and community claims are being rejected at Gramsabha, SDLC and DLC level. But the rejection level seems to be very high at Gramsabha level followed by SDLC and DLC respectively. Nearly 69.7% of individual claims are approved at Gramsabha level and sent to SLDC. The approval rate of claims sent to SLDC and DLC are 84.1% and 99.1% respectively.

Table no 4.10. Status of Community Rights Recognition in the Study Districts

	PTG	Non-TSP	TSP
Claims received	22	42	481
Claims approved	22	42	170
Area distributed(in acres)	15335	27832	38832
% approved	100	100	35.3
Avg. area/claim(in acres)	697	663	228

(Source: www.tribal.nic.in)

The above-mentioned table depicts the variations in community claims received, claims approved and area allotted to the claimants in the studied PTG, Non TSP and TSP districts of AndhraPradesh. According to the above tables in the PTG district around 88% of the claims have been approved with an average of 3.32 acres of land per claim. In TSP district there is

no community claims whereas in the Non TSP district 79% of claims approved with an average of 3.43 acres of land allotted per claim.

In AndhraPradesh, most of the community forest rights claims were filed by the Van Samrakhyan Samiti (VSS), an institution created by Forest department under Joint Forest Management, and got approved. As the areas under VSS were claimed, average area distributed is more than 60 hectares. The intention of providing community claim in the name VSSs was eventually instrumental in depriving the Gram Sabhas from their rights under the Act. Community claims made by the villagers, other than VSS, are either rejected or approved for a much lesser area than claimed.

4.1.4.4 Claims Approval and Rejections at Different Level

The district wise rate of approval of claim is estimated and presented in the table below. The rate of approval of claim is found to be very less (13.8%) in Chitoor (non TSP) district. The reason for less approval is cited as the claims of OTFDs are rejected in the process. As the district is having very low ST population the approval rate is also low.

Table 4.11: Individual Claims Approval: State and Study District Level

Particulars	Vijayanagrama (TSP)	Karnool (PTG)	Chitoor(N-TSP)	State Total
No of claims verified by FRC and send to G.S	15065	2351	793	323748
No. of claims verified by G.S and submitted to SDLC	13555	698	110	225490
No of claims verified by SDLC and submitted to DLC	12972	698	110	189708
Finally approved for titles by DLC	12880	698	110	172556

(Source: www.tribal.nic.in)

Analysing the trend of approval of individual claims at different level, it is observed that both the individual and community claims are being rejected at Gramsabha, SDLC and DLC level.But the rejection level seems to be very high at Gramsabha level followed by SDLC and DLC respectively as can be observed from the table below (Table 3.1.11). Nearly 69.7% of individual claims are approved at Gramsabha level and sent to SLDC. The approval rate of claims sent to SLDC and DLC are 84.1% and 99.1% respectively.

Table 4.12: Individual Claim Rejections: State and Study District Level

	No. of Rejected cases	Level of rejection			
		G.S	SDLC	DLC	Total
District 1 PTG - Keonjhar		12402	2835	0	15237
District2 N-TSP - Dhenkanal		0	5078	0	5078
District3 TSP - Koraput		0	0	0	0
State Total		**74318**	**60744**	**1284**	**136346**

(Source: www.tribal.nic.in)

4.1.4.5 Community Claim: Approval at different level (State and Study Districts)

The under-cited tables depict the variations in community claims received, claims approved and area allotted to the claimants in the studied PTG, Non TSP and TSP districts of AndhraPradesh.

Table 3.1.13:Approval at different level (State and Study Districts)

Particulars	Vijayanagram	Karnool	Chitoor	State Total
No of claims verified by FRC and send to G.S	481	22	42	6714
No. of claims verified by G.S and submitted to SDLC	184	22	42	3299
No of claims verified by SDLC and submitted to DLC	177	22	42	2222
Finally approved for titles by DLC	170	22	42	2106

(Source: www.tribal.nic.in)

According to the above tables in the PVTG district (Kurnool), around 88% of the claims have been approved. In TSP (Vijayanagaram) district there is no community claims whereas in the Non TSP district (Chitoor) 79% of claims approved.

Table 4.14: Community Claims: Rejections at different level (State and Study Districts)

	Level of rejection			
	G.S	SDLC	DLC	Total
Vijaynagram	481	184	177	170
Karnool	22	22	22	22
Chitoor	42	42	42	42
Sub Total	**545**	**248**	**241**	**234**
State Total	**6714**	**3299**	**2222**	**2106**

(Source: www.tribal.nic.in)

4.1.4.6 Average Area under Claim

As shown in the table below, average area distributed per individual claim is 2.93 Acre (1.15 hectare). Average area distributed per community claim estimates at 151.37 acres (60.55 hectares). This is briefly presented in the table below:

Table 4.15: Average Area Recognised per Claim (in acre)

Particulars	Individual	Community
State Average	2.84	464.96
Study Districts		
Vijaynagram	2.79	228.42
Karnool	2.64	706.13
Chitoor	1.34	662.66
Average of the study district	2.26	532.4

(Source: www.tribal.nic.in)

In Vizainagaram and Kurnool districts, average area allotted per individual claim stands at 2.79 acre and 2.65acre respectively. The average area allotted per individual claim in Chitoor district is estimated at 1.35 acres per claimant.This is evident from the fact that excepting Chittor, where the number title given is very less, in other study districts the individual claimantshave received average land tittle more than one hectare. Though in certain study villages like *Bairlooty,* it was alleged that the amount of land they have received title is much less than the land they have claimed, the average amount of land title given to individual claimants in the study districts is one hectare. This is pertinent to note here that certain claims are rejected in the state on the basis of less than 20 cent land.

4.1.5 Implementation of FRA in the Study Districts: Narrative Analysis

Committees at different Level

Constitution of Forest Rights Committee (FRC)

A survey by the government identified 3830 gram panchayats in the state having forest interface. Administrative order to convene Gramsabha at the panchayat level was issued in March 2008. Gram sabhas were convened in 3799 panchayats and accordingly FRCs were constituted in all these panchayats. The tribal welfare department has issued notification regarding reconstitution of FRCs at the village/hamlet level. However FRCs are yet to be reconstituted in the state. The number of FRCs constituted in Vizianagaram, Chittoor and

Kurnool are 150, 266 and 31 respectively. In none of the study districts and in sample villages FRCs are reconstituted by end of December 2012. The respondents were not even aware of such amendments for reconstitution of FRCs. There is no evidence of any meeting of FRC held after its formation in all the study villages.

Constitution of Sub Divisional Level Committee and District Level Committee[40]

SDLCs were constituted in 68 Divisions in whose jurisdiction these gram panchayats came under and are headed by Revenue Divisional Officers (RDOs). DLCs are constituted in 22 districts. The constitution of SDLC and DLC was preceded by nomination of elected members from mandal and zilla parishads. There is a marked preference for STs while nominating members to SDLCs.

All the three members nominated to the DLC in Kurnool are STs. Of them, one is a woman. In SDLCs of Nandyal and Adoni, all the three nominated members are STs. In SDLC of Kurnool, there are two members from STs whereas one is from SC. In Nandyal and Kurnool, there are no women members whereas one woman is there in Adoni SDLC. District Collector, Divisional Forest Officer (DFO) and District Tribal Welfare Officer (DTWO) are official members of the DLC. The SDLCs are headed by RDOs. DFOs, Forest Range Officers(FROs) and DTWO/ATWO are official members. In Adoni SDLC, both DFO and range officer are members. In Kurnool SDLC, five Tahsildars and one Deputy Tahsildar are members from revenue department apart from RDO who heads the SDLC. Representation of official members varies from meeting to meeting. Committees met quite regularly in 2008 and 2009. However post 2009, the meetings and filing of monthly reports became irregular. In some cases meetings have not been held even once in a year. The meetings of DLC and SDLC were found to be an affair of Govt. official as active participation of the PRI members and women was absent.

[40] Data on SDLC and DLC meeting was not available

Process and Approach Adopted for Filing, Verification and Recording of Claims

Individual Rights

Call for claims by Gram Sabha:

As mentioned in earlier sections, FRA implementation was taken up as a govt. programme with massive deployment of staff at mandal level and steered by IndiraKrantiPatham in the villages. Most of the claimants came to know from their SHGs, social mobilisers and PRI members. In study villages of Vizianagarm district, people came to know about call for claims from Village Revenue Officer (VRO) and villages nearby. In Gangapuram village, people got information from their own association named *Raitukulisangam*. Hence, call for claims by gram sabha became a procedural exercise. Some villagers recall traditional drums being used; but this was restricted to the main village. Field studies reveal that Gramsabha played no role in making call for claims, rather people got information from different other sources.

Submission of claims at FRCs and Acknowledgement:

Claims are supposed to be submitted to FRCs which would then process the claim. However none of the claimants in the study villages reported submission of claims to FRCs. Instead the claims were submitted either to PRI member or FRC Coordinator[41] at the ITDA.In Vizianagaram and Chittoor, the Mandal Revenue Officer (MRO) and Village Revenue Officer (VRO) facilitated the claim process. Even they supported in filling up the form and collection of requisite documents like Ration card, Voter ID card and Passport size photos. The claim process was facilitated by the FRC Coordinator in the study villages of Kurnool district. No acknowledgement was provided to the claimant nor did the claimants retain a copy of the claims.

GPS Sample Plot

Evidence used in the claim process:

Respondents say two photographs, voter ID card and PDS ration card were required as documents for filing

[41]FRC Coordinator is appointed at the ITDA to coordinate the implementation process

of claims. Apparently the survey reports and maps were used as critical documents as can be inferred from minutes of meetings of SDLCs and DLCs. Sample minutes of Kurnool DLC and SDLC is attached as Annexure. In fact, one "event" in the roadmap is preparation of maps by superimposing village maps/rough village maps with occupations and survey of India maps over forest block maps.

Recording of claims by FRC:

Claims are recorded and documents are available at the FRC Coordinator level. However at the FRC level no such list was available.

Coordinate Points

Verification and mapping:

The verification process was systematic and streamlined. Survey teams were constituted at *mandal* levels. Each survey team included three to four persons including representatives of revenue and GPS person. The date of verification was shared to the claimants. The VROs, the members of the IKP and in some cases the President of FRC informed the claimants about the verification. Revenue officials were invariably present in all sample villages. However the forest officials were not present. Manual GPS was invariably used. Some confusion arose over number of GPS points to be taken. A circular was issued prescribing the minimum number of coordinates and recording at bend points. It was evident from the study villages that in every bend point in a land parcel allotted under FRA, one stone was placed marking the coordinates in it. The said coordinates are also noted in the land passbook (titles) issued to the claimants. It was attempted to gauge the difference between the quantum of land given in passbook and actual through GPS in the village Nalguntala gudem. GPS reading of the land parcel of *DasariPothuraju*was done and tallied with the area given in the land passbook. No difference was found in area of land in the passbook and actual possession. The demarcation is neatly done. However, this technology centric process made the FRC's role minimal. Visit of a team of revenue and forest officials armed with a gadget to a tribal village is a first of its kind. Even in official circles GIS maps and survey reports carried much weight and were seen as the most credible document. As mentioned in the previous section, no document was available at the FRC level. Moreover the maps and verification reports were not shared with the FRCs and gram sabha. The mandal survey teams filed their reports at the mandal level

which were later used in the SDLC. Forest department used the satellite imagery from NRSA to contest the claims of occupation before 13th of December 2005. This mostly happened at the SDLC level.

While in Vizianagarm and Chittoor, the VRO intimated the claimants about joint verification before 2-3 days, the intimation was made by the FRC coordinator in Kurnool.

Table 4.16:Level of status of prior information to claimants regarding physical verification of claims[42]

S. N	District	Total No of sample claimant	No. intimated about verification of claims
1	Chittoor	NA	NA
2	Kurnool	NA	NA
3	Vizianagaram	NA	NA

(Source: www.tribal.nic.in)

Enquiring about the presence of Revenue and forest officials in the joint verification process, it is found in none of the study village forest officials were present. But, in all the cases revenue officials (VROs) were present with the social mobiliser, surveyor.

Approval by Gram Sabha and recommendation to SDLC:

After field survey and verification using GPS mapping, the survey reports are approved by the concerned Gram sabhas and then claims are recommended to the SDLC. At the end of phase 1, 2406 cases including 723 at SDLC level were pending in the state. The pendency is due to claims in lands other than forest lands, objections of forest department and court cases. Upon enquiry, officials say it would be covered and cleared during the 2nd phase. The following table shows the rate of approval in the study villages as against district and state average:

[42] Information is this regard was not available

Table 4.17: District Approval Rate vs. Approval Rate in Study Villages

Average approval rate at State level	Study Districts	Avg. approval rate	Average approval rate in study villages
53.29	Vijaynagram	85.49	69.82
	Karnool	29.68	81.6
	Chitoor	13.87	100

(Source: Field Survey)

As could be observed in the table above, the approval rate at the village has been generally higher than the state and district average.

Modification, Rejection and Appeal :

The rejection rate in the state is touching as high as 50 %. However, it varies widely from district to district. The following table gives the picture in the three study districts.

Table 4.18: Level of Rejections: Study Districts and State

Particulars	Level of rejection			
	G.S	**SDLC**	**DLC**	**Total**
District 1 PTG - Kurnool	1510(69.1)	583(26.7)	92(4.2)	2185
District2 N-TSP - Chitoor	1653(100.0)	0	0	1653
District3 TSP - Vizianagarm	683(100.0)	0	0	683
State Total	**98275(65.6)**	**34399(23.0)**	**17152(11.4)**	**149826**

Figures in parentheses indicate percentage

(Source: www.tribal.nic.in)

The table above depicts the rate of rejection at different level in the study district. It is evident from the above-mentioned information that almost all the individual claims have got rejected at Gramsabha level in Kurnool and Chitoor districts. There is no incidence of rejection at SDLC and DLC level in both the districts. However, in Vizianagaram district, 26.7% and

4.2% of the rejections are made at SDLC and DLC respectively. More than two third claims in Vizianagaram district are also rejected at Gram sabha level.

It is further revealed from the matrix above that while rejection of individual claims in Non-TSP districts like Chitoor and Kurnool is very high. The reasons cited for high rejection are claims made in the lands not classified as forest land and absence of requisite evidences and claims made in land under VSS. It is comparatively low (14.5%) in the TSP district like Vizianagaram. In contrast to this, while no community claims has been rejected in the former two districts, nearly two-third of the community claims has been rejected in Vizianagaram. The reason for rejection of community claim is described as the VSS not having all Scheduled Tribe members. It is to be noted here that the community claims titles in all three districts are given to VSSs having all ST members.

The following reasons were cited for rejection

- OTFD claims in Scheduled Areas, claims rejected at gram sabha levels
- Individual claims in lands under VSS
- Claims in lands not classified as forest lands
- Absence of requisite evidences
- Cultivation after 2005; NRSA maps used and interpreted
- Claims involving small areas/below 20 cents
- Claims made by minors

The status of rejection and pending of claims in the sample study villages is depicted in the table below:

Table 4.19: Status of rejected and pending claims in study villages

District	Village	No. Of Rejected cases	Level of Rejection			
			G.S	SDLC	DLC	Total
District 1 PTG - Kurnool	Makelbanda	10	0	10	0	10
	Bairlooty	0	0	0	0	0
	Nalguntala	0	0	0	0	0
	Padmanthanala	0	0	0	0	0
Sub - Total		**10**	**0**	**0**	**0**	**10**

District2 N-TSP - Chitoor	Madavaram	0	0	0	0	0
	Pirarangaluta	0	0	0	0	0
	Brahmanpalle	0	0	0	0	0
	Keelapatta	0	0	0	0	0
Sub - Total		**0**	**0**	**0**	**0**	**0**
District3 TSP - Vizianagarm	Gangapuram	7	7	0	0	7
	Velegavalsa	0	0	0	0	0
	Salaparbanda	0	0	0	0	0
	Sampingipadu	0	0	0	0	0
Sub - Total		**7**	**7**	**0**	**0**	**7**
Total		**17**	**7**	**10**	**0**	**17**

(Source: Field Survey)

In Salparbanda and Sampingipadu villages of Vizianagarm district, 13 cases are pending in SDLC. The claimants said that the claims are pending due to lack of proper evidence. Now they have submitted the evidences and the authorities have assured them to issue the titles in the second phase. In Chitoor district, neither there is any rejection nor any cases pending in the sample study villages. But in Kurnool district 25 claims are found pending at SDLC due to lack of proper evidence in three sample villages.

Rejection of claims was found in two study villages. One is in Vizianagaram district and the other one is in Kurnool district. The reason of rejection of 7 claims in the Gangapuram village of Vizianagaram district as cited by the villagers is the land they claimed was found to be not in their occupation in the verification process. The reason for rejection in Mekalbanda village is that the land claimed was under mango plantation in FDA through ITDA. This is pertinent to note here that ITDA pursued the Chenchu tribes in the said villages to go for mango plantation in the forest plots where they were cultivating earlier. The ITDA officials also paid them some wages for plantation activities. But now the claimants have made appeal in subdivision and district level providing evidence that there is no mango tree in the land anymore and being cultivated by them.

Post Claim Support and Convergence:

Convergence and post claims support to individual rights holders are on land development, irrigation ponds and wells, IndiraAwasYojana, stone bunding and bush clearance, horticulture gardens, etc. The programs are routed and monitored through ITDAs. The

Commissioner, Tribal Welfare suggested in the SLMC that plantations of bamboo, teak, casuarinas**,** eucalyptus, silver oak, pepper, coffee, rubber, etc. may be raised in the degraded VSS lands. Though there was no concrete data on the status of convergence available at state and district level, nearly 8.67% of the sample respondents were found covered under different convergence initiatives at the time of survey. Most of the claimants are covered under land development like stone bunding and bush clearance followed by IndiraAwasYojana. The convergence is more prominent in Kurnool district followed by Vizainagarm, while it is absent in Chitoor district.

Table 4.20: Status of coverage of titleholders under different convergence initiatives

Districts	Study Villages	Distributed Title (nos.)	Type of convergence initiative				
			Land levelling and bund repair	Fertiliser & seed support	Agricultural Equipments	Irrigation facility (Tubewell, well, stop dam, check dam)	Achievement Rate
			% of title holders covered	% of title holders covered	% of title holders covered	% of title holders covered	
Chitoor		110	NA	NA	NA	NA	NA
	4 villages	47	NA	NA	NA	NA	NA
Karnool		698	NA	NA	NA	NA	NA
	4 villages	292	28	NA	NA	NA	9.58
Vizayanagram		12800	NA	NA	NA	NA	NA
	4 villages	122	12	NA	NA	NA	9.83

(Source: Field Survey)

Recognition of Individual Rights: Summary of Key Issues:

The implementation of FRA in the state was taken up in a project mode backed up by a large pool of human resources from revenue, forest, tribal welfare and rural development departments. The pace was in sync with the political will. Chief Minister's letter and reviews through video conferencing set the tone. The process was external heavy with FRCs and gram sabhas neither able to grasp their roles nor perform the same effectively. The process was split into two phases. The gap between the two phases created a gap in understanding at every level. The major findings are

- The approach was top down and hierarchical like any other govt. programme. The people in general perceived it as a land distribution programme.
- Survey for identification of villages having forest interface capped the upper limit of potential claims. The villages which could not meet the "forest interface criterion" as per this survey remained outside the ambit of the process.
- Unlike any other state, Rural Development department or IKP a program under it played a pivotal role with most of the ground level staff either being drawn from it or controlled by it.
- Adequate resources, both human and financial, were employed at least initially to implement the law.
- The roadmap with commencement and cut off dates gave an impression that the process is over by end October 2008. At least the official machinery operated in that manner. The frequency of SDLC and DLC meetings reflects this. The process literally stopped before the commencement of the 2nd phase in January 2011.
- While revenue department was mobilized fully, the forest department could not be brought on board. Forest department's objections were cited as the major reason behind high level of rejections.
- There was a heavy dose of awareness and training at the beginning and within a short span of around three months. However no attempts were made to sustain it over a longer period.
- The set up starting from social mobilisers at the village level to *mandal* resource teams at *mandal* levels to FRC coordinators at SDLC level steered the process. This linear and "efficient" model ensured faster filing and processing of claims and reporting within the chain easier. However the FRCs were made redundant in the process.
- OTFD claims did not receive the attention it required. The district offices being designated as district tribal welfare offices, there is no corresponding office which talks about OTFDs and vouch for their claims.
- Survey of claims seems to have been made diligently. Not much discrepancy is observed between the land claimed by the claimants and settled.
- FRC is constituted at the GP level. This has limited the scope of functioning gram sabhas and participation, more so when it comes to hamlets.

- In Scheduled Areas, podu lands were surrendered and cultivation stopped to facilitate implementation of JFM and plantations. Now individual claims in VSS areas are being rejected. This is being interpreted as a double whammy by the affected claimants.
- Since land transfer in Scheduled Areas of the state are completely prohibited, OTFD claims are summarily rejected in these areas.
- The more enterprising "*lambadas*" getting rights over lands which were once under the occupation of Chenchu tribes is a potential source of conflict.
- Data maintained at the district level are tribal community wise; it is not available as STs and OTFDs.

Community Rights

Process and Approach Adopted for Filing, Verification and Recordings of Community claims:

The phase 1 of FRA implementation did not focus on community rights. Even the messaging and the processes centered on individual rights. Though there was no circular or order to that effect, the field staff engaged in the process did not attach the importance to community rights. In all reviews at the state and district levels as can be inferred from the meeting minutes, individual rights were the focus. Community rights were assumed as the job of VSSs. Community claims were made by VSS chairpersons with VSS, list of members, VSS area map; titles are issued in the name of VSS chairpersons. Though 6714 claims were received in phase 1, most of them were not processed. After VSSs were conferred community rights, cases were filed in courts. Ministry of Tribal Affairs issued a direction to the state govt. to stop this. It may be mentioned here that VSSs in AndhraPradesh does not have universal membership. The membership is based on forest dependency criteria. MoTA direction was on this basis. Then the distribution of titles was stopped. In phase 2, the DLC approved claims is only 35 of the 4251 claims received. No title has been distributed till 31st December 2012. An analysis of claims filed reveal that two to three community claims have been filed in each village. The claims pertain to rights over grazing land, water bodies, pathways and minor forest produces.

The status of community claims in the sample study villages is very low as out of 12 villages only 3 village communities has claimed and two of them have got title. But the titles issued

are in the name of individual villagers. In one of the villages in Kurnool district the claim is yet to be settled. In other villages people are not even aware of community rights. This is evident from the table below:

Table 4.21: Status of Community Claim in study villages

Village	CFR status
Gangapuram	No CFR Claim
Velegavalsa	NO CR/CFR claim
Salaparbanda	CR claim. Title in name of one person. area 0.99 acres
Sampangipadu	Title in name of 3 persons separately(5.37+5.41+1.65)= 12.43 acre CR
Madavaram	No CFR claim
Pirarangaluta	No CFR claim
Brahmanpalle	No CFR claim
Keelapatta	No CFR claim
Makelbanda	No CFR claim
Bairlooty	34 acres applied for construction of road, still pending
Nalguntala	No CFR/CR claim
Padmanthanala	Not aware of community claim

(Source: Field Survey)

Recognition of Community Rights and CFR Rights: Summary of Key Issues

- Community rights was perceived as an upgradation of status of VSS/JFM in 1st phase; process stopped after MoTA issued orders and filing of cases.
- Titles are issued in the name of VSS chairpersons in case of community claims made by VSSs. In other cases, wherever it has been recognised, titles were issued in the name of elderly person or Sarpanch of the village.
- Distinction between forms B and C has not percolated down; neither the officials nor the FRCs are in knowledge of this.
- Average area for non VSS CR is 2.36 acres in Parvathipuram whereas the same for VSS CR is 381.8 acres
- 2nd phase implementation started in January2011 and was supposed to focus on community rights. However the implementation process is yet to incorporate

amendments in Rules in 2012 which would have aided community claims filing and rights recognition process.

4.1.6 Process and Approach Adopted for Filing, Verification and Recordings of PTG Habitat Rights

The process of identification and recognition of habitat rights is yet to start in the state. Some discussion has just started on habitat rights at the state level. Hence, officials at the state level are aware of this. However, there is hardly any appreciation of something called habitat rights at the district and mandal levels. The officials contacted at district level were unaware of the provision of habitat rights claim under the Act. The interaction with the Chenchus (a PVTG) on their habitat rights revealed that they have not filed any such claim, neither they have any awareness on the same.

4.1.7 Other rights under FRA

Post claim support to right holders and convergence programs & Management of community forest resources

Convergence and post claims support to rights holders are on land development, irrigation ponds and wells, IndiraAwas houses, stone bunding and bush clearance, horticulture gardens, etc. The programme is routed and monitored through ITDAs. The issue of land development in FRA lands was discussed in SLMC meeting dated 15.6.2010. It was pointed out that field staffs of forest department are objecting to SWC works, drilling of irrigation bore well in FRA lands. In a meeting of SLMC held on 15.6.2010, it was reported that 70 per cent of community rights recognized are VSS lands. Since there is no activity presently going on in these areas, Commissioner Tribal Welfare suggested that plantations of bamboo, teak, casuarinas, eucalyptus, silver oak, pepper, coffee, rubber, NTFP, etc. may be raised in the degraded VSS lands. The SLMC accepted the proposal after discussions.

Offence and Penalty /functioning of grievance redressal

No offence and penalty cases were found in the study villages. Similarly at the SDLC and DLC levels no offence and penalty cases are recorded. The grievance redressal mechanism exists; but no data about grievances and their redress were available at the SDLC and district/DLC levels. However SLMC and DLC meetings recorded grievance of non official

members on two counts. One set pertains to non recognition of rights in certain villages and another set is about delay in processing diversion of forest land for developmental facilities under Section 3(2).

4.1.8 Awareness regarding FRA

Significant efforts were made to raise awareness about FRA during 2008. Multiple modes, both written and oral were employed. Posters and pamphlets were produced. Kalajathas were organized to spread awareness. Mandal level meetings which included ward members, NGOs and representatives of political parties were also held. A large dose of training programmes were organized for resource persons in February and March 2008. Social mobilisers especially local tribal youth were employed to assist in implementation process. FRC coordinators were employed at ITDA level. However there seems to be a discontinuity. Awareness at the ground level especially FRC members and ward members is low. The picture is the same for social mobilisers. The awareness about amendment rules is less even in case of officials at the SDLC (*mandal*) and DLC levels.

Awareness of claimants regarding constitution and reconstitution of FRCs is given in Table - 4. Awareness levels vary from zero to 35 per cent in sample districts. Regarding reconstitution after amendments in Rules, the awareness level is zero. FRCs are constituted at panchayat levels. Each village/hamlet has one or two representatives. Hence the people in the villages, hamlets and habitations are hardly aware of this. In all the study villages, people neither know the members, president and secretary nor they are able to recall when this committee met.

Table 4.22: Status of level of Awareness amongst Multiple Stakeholders

Type of Respondent	Total no of respondents	General Awareness (%)			Awareness about law (legal procedure?) (%)			No Awareness (%)		
		IFR	CR &CFR	Amnd. Rules	IFR	CR &CFR	Amnd. Rules	IFR	CR &CFR	Amnd. Rules
Claimants	200	200 (100.0)	12(6.0)	4(2.0)	3(1.5)	1(0.5)	0	0	198(94.0)	196(98.0)
FRC Members	4	4(100.0)	1(25.0)	0	3(75.0)	0	0	0	3(75.0)	4(100.0)
PRI Members	8	7(87.5)	6(62.5)	0	0	0	0	1	3(37.5)	8(100.0)

								(12.5)		
Revenue Officials	6	6(100.0)	6(100.0)	6(100.0)	5(83.3)	5 (83.3)	5 (83.3)	0	0	0
Forest officials	6	6(100.0)	6(100.0)	6(100.0)	6(100.0)	6 (100.0)	6(100.0)	0	0	0

(Source: Field Survey)

As can be observed from the above table that there is a general awareness amongst all stakeholders about individual forest rights while government officials were found to be knowledgeable about the act and procedure, however this is only limited to higher level officials at the district or division level. The awareness level with regard to community rights under Section 3(1) and (2) and about the amendment rules is extremely low amongst community level stakeholders. While officials have been found to be well aware about these provisions, officials from department were found to be less aware about community rights and procedures related to it. Within the bundle of community rights, awareness about habitat rights of PTGs was found to be completely missing.

It has also been attempted through the study to gauge the level of awareness of the respondents those who have general awareness on the acts and rules in the state. As there was much intervention on individual claim in the state, it is obvious that the revenue officials, forest officials and the PRI members are having high level awareness on the same. Even the claimants and FRC members are having medium level of awareness. But in case of community rights though the government officials are having thorough knowledge, most of the claimants and FRC members are hardly any awareness about CR and CFR rights. Even the PRI members involved in DLC and SDLC are having very little knowledge on CFR claim process. Awareness regarding amendment rule is yet to reach the community level. The government officials are also not very thorough on this. They only know that there has been certain amendment in the rule and FRCs needs to be reconstituted.

4.2 State Profile: Chhattisgarh

Chhattisgarh was carved out of MadhyaPradesh and formally formed on November 1, 2000. Since its formation, the original nine districts have been bifurcated into 27 districts. The state is known for its rich natural resources and cultural heritage. The geographical area of Chhattisgarh is 135,191 sq. km and it is the tenth largest state of the country. The total population of Chhattisgarh as per 2011 census is 255 lakh. Tribal population of Chhattisgarh

constitutes 31% of the total population of the state, while SC communities constitute 12% of the population. Gonds are the prominent tribe in the state, followed by AbhujMaria, Bison, Horn Maria, Muria, Halboa, Bhatra, and Dhurvaa (Indianetzone, 2010). AbhujMaria, Baiga, Birhor, Hill Korwa, and Kamar are the five Particularly Vulnerable Tribal Groups (PVTGs) found in Chhattisgarh (GoI, 2007 cited in Bandi, 2012). The schedule tribe population here are approximately one tenth of STs in the country.

The northern and southern parts of the state are hilly whereas the central part is fertile plain. Major rivers of the state include Mahanadi, Indravati, Godavari, Narmada, Hasdo, Shivnath and Arpa. It is also one of the richest biodiversity habitats in India having one of the densest forests, rich wildlife, various species of flora and fauna and plenty of non-timber forest products.

Agriculture is one of the major sources of occupation for the people. The net sown area of the state is 4.83 million hectares and the gross sown area is 5.79 million hectares. Paddy, wheat, maize, gram, pulses and oilseeds are some of the major crops of Chhattisgarh. Around 20% of the area is irrigated and agriculture is primarily rainfed. Around 75% farmers belong to the small and marginal category.

Table 4.2.1: Chhattisgarh at a Glance

Particulars	**Magnitude**
Geographical Area	135191 Sq. Km
Population	25540196
Schedule area	84862 sq. kms
TSP area	8800 sq. kms
ST population	7822902
Districts	18
Tehsils	149
Development Blocks	146
Tribal Development Blocks	85
Fully Schedule Area Districts	9
Partially Schedule Area Districts	9

ITDPs	19
No. Of PVTGs	5
Population of PVTGs	NA
PVTG Development agencies	5
TotalForest Area	59,772 sq. kms

(Source: Census of India 2011)

The recorded forest area in Chhattisgarh is around 59,772 sq. kms which is constitutes 44.21% of its geographical area and also 8.7% of the total recorded forest area of India. According to the satellite data on Oct 2008- Jan 2009 forest cover in the state is 55,674 sq. kms. which is around 41% of the state's area. Of the total forests, the categories of reserve, protected and un-classed forest have share of 43.13%, 40.21% and 16.65% respectively. It is also one among the richest bio-diversity habitats in the country. The state has 11 wildlife sanctuaries and 3 National parks covering around 4.79% of the geographical area (Forest Survey of India, 2011)

The forest governance history of Chhattisgarh resembles with several other states of India like AndhraPradesh and Odisha and one could see a similar pattern of deprivation of tribals and other marginalised sections. The Indian Forest Act promulgated by the British brought in vast tracts of forest land under exclusive ownership of the State thereby restricting rights and access of large sections of tribal and dalit communities who depend on it. Post-independence, in MadhyaPradesh (including today's Chhattisgarh) and in many other states of India, the forest department and the revenue department emerged as two key agencies controlling forest land and its affairs. In MP and Chhattisgarh, their rights over forest are often entrenched in complexities, though both have elaborate procedures and laws to deal with forests. Both the States combined, there is a disputed territory of 12374 square kilometres over which both the forest and revenue department lay claim (Garg, 2005). This tract of land is popularly called 'Orange areas' as such areas have been marked in orange colour in the maps.

In undivided MadhyaPradesh, the 1910 settlement included preparation of record of the Revenue Department (*missal)* and a Record of Rights (*missal haqaiyat*) and the usufruct rights records (*nistar-patrak*) of each village mentioning the kind of activities and the land use in future. These were accepted as community settlement that included multiple rights like

nistar, pastoral land, gothan, khalihaan etc. and the entire settlement has been mentioned in the *missal*, and *nistar-patrak* of each village.

In 1950, after abolition of zamindari, the nistaar lands under control of zamindars and malguzars were acquired by the revenue department, and subsequently the ownership was passed to forest department through a notification. However no change was made in the revenue records and such lands were continued to be shown as *dhakalrahit nistar* (encumbrance-free nistaar lands). This created a situation of double ownership as both FD and revenue department laid their claims over it. In 1959, the nistaar rights over such lands by local communities were reinforced under the M.P.Land Revenue Code which allowed for their rights as mentioned in their nistaar patrak. An estimated one million *pattas* or leases have been issued by the revenue department to ST and SC families in M.P and Chhattisgarh combined over such areas under the 'grow more food' programme of the 1960s/70s. (EktaParishad, 2003; Garg, 2005 cited in Sarin and Springate-Baginski, 2010)[43]. The FRA recognises the right to conversion of such leases and pattas into titles in line with MoEF's 1990 order.

4.2.1 Profile of Study Districts

4.2.1.1 Bilaspur:

Bilaspur district is situated between 21º47' and 23º8' north latitudes and 81º14' and 83º15' east latitudes. The district is bounded by Loria on the north, Anupur and Dindori district of MP state on the west, Kawardha on the southwest. The area of the district is 6377 km².The headquarters of the district is Bilaspur. Arpa river passes through the district. This district was chosen for the study as representative of habitats of PVTGs and to understand their right recognition status and issues related to the same.

Table 4.2.2: Bilaspur at a glance

No. of Sub-division	8
No. of Block	8
Total Tehsil	8
No. of Village	898

[43]Anil Garg has done a seminal study on the orange area issue and his report is available at http://www.doccentre.org/docsweb/adivasis_&_forests/orange_areas.htm

Total Population	2662077
Population density	322
Sex ratio	972
Literacy rate	71.59%

(Source: Census of India, 2011)

Schedule tribe constitutes around 26 % of the total population. The district is also home to Baigas, one of the PVTGs of the state.

4.2.1.2 Dhamtari:

Dhamtari is abbreviated from "*Dhamma*"+"*Tarai*" The district is situated in the fertile plains of Chhattisgarh Region. This District is situated between 20 degree 42' N Latitude and 81 degree 33' E Longitude. The district was carved out of Raipur after the new state came into being. The District is surrounded by Raipur in North & Kanker as well as Bastar in South, part of Odisha state in East & Durg and Kanker in the West. Mahanadi is the principal river of this district. Due to presence of number of rivers, this district has a large fertile region with high agriculture activity. For the study, Dhamtari was chosen as representative of non-TSP area with lesser tribal population. The population of tribals is around 26.25% of the total. This district also has the highest number of forest villages in the State and understanding their status was also one of the focuses of the study.

Table 4.2.3: Dhamtari at a glance

No. of Sub-division	3
No. of Block	4
Total Tehsil	4
No. of Village	651
Total Population	799199
Population density	236
Sex ratio	1012
Literacy rate	78.95%

(Source: Census of India, 2011)

4.2.1.3 Korba:

Korba district comes under Bilaspur division and is inhabited mainly by tribal including the PVTGs called PahadiKorwas (PahadiKorwa). It has high tribal population and is also home to large scale industrial and mining activity.

This district is situated in the northern half of the Chhattisgarh state and surrounded by the districts Korea, Surguja, Bilaspur, Janjgir etc. The total area of the district is 714544 hectares of which 283497 hectares are forest land.

The main tribes in Korba district are PahadiKorwa, Gond, Raj Gond, Kawar, Bhaiyana, Binjwar, Dhanuhar etc. Satnami, Ganda, Panka etc. are the scheduled castes in the district. Tribals constitute the majority (51.67%) of the total population. For the purpose of the study, Korba was selected as representative of a TSP area with high tribal concentration. Moreover this district is also exposed to high mining and industrial activities and understanding the process and status of rights recognition of tribals amidst contested claims over resources was also one of the key focus of enquiry.

Table 4.2.4: Korba at a glance

No. of Sub-division	4
No. of Block	5
Total Tehsil	4
No. of Village	710
Total Population	12,06,563
Population density	183
Sex ratio	971
Literacy rate	73.22%

(Source: Census of 2011)

4.2.2 Profile of Study Villages

The 12 sample villages are spread over three districts and 12 GPs. The population size of the sample villages varies from 200 to 500. Nearly 20 per cent of the population in the study villages is Scheduled Tribes. In Bilaspur the ST population was 22 per cent and Korba & Dhamtari district the ST population is 25 per cent. A brief profile of the study villages is given in the following table:

Table 4.2.5: Profile of Study Villages

SI.No	Dist	Sub-division	GP	Name of village	No. of Hamlets	No. Of HHs		Total no. of HHs	Population				Total Population
						ST	OTFD		ST		OTFD		
									Male	Female	Male	Female	
1	Bilaspur	Pendra Road (Goirella)	Dahibahara (2)	Saraipani	1	55	30	85	165	110	69	85	429
2			Salehghori (3)	Chhirhitti	2	65	0	65	130	132	0	0	262
3			Pandripani	Pandripani	6	92	32	124					124
4			Aamadobe	Aamadobe	9	248	55	303	549	512	140	162	1363
Sub Total						**460**	**117**	**577**	**844**	**754**	**209**	**247**	**2178**
1	**Dhamtari**	Kurud	Pahanda	Pahanda	2	51	176	227	147		449	434	883
2			Mandeli	Budharao	1	47	13	60	96	119	26	26	267
3			Pathar	Moolgaon	1	100	6	106	189	197	17	24	427
4			Khadama	Mandwapathra	2	65	7	72	175	180	16	20	391
Sub Total						**263**	**202**	**465**	**607**	**496**	**508**	**504**	**1968**
1	**Korba**	Kathgora	Sapalwa	Raha	6	189	10	199	295	300	10	10	615
2			Jemra	Bagdara	6	113	13	126	193	182	57	48	480
3			Bariumraw	Bariumraw	4	65	3	68	141	134	9	7	291
4			Kartala	Kartala	1	148	20	168	300	291	38	37	666
Sub Total						**515**	**46**	**561**	**929**	**907**	**114**	**102**	**2052**
Total						**1238**	**365**	**1603**	**2380**	**2157**	**831**	**853**	**6198**

(Source: Field Survey)

4.2.3 State Overview on FRA

4.2.3.1 Approach and strategies adopted by the State government for implementation of FRA

The State identified 5299 villages of 18 districts for FRA implementation. This is as per a submission made by the State government in a national consultation organized by the Ministry of Tribal Affairs on 3rd December, 2012 at New Delhi. However the basis for this figure is not known and the study team was also not able to locate any particular data with regard to this and none of the government officials interacted with talked about this figure. It appears that no exercise to identify forest-fringe villages has been undertaken and the above-mentioned data cannot be taken as conclusive.

4.2.3.2 Phases of implementation:

In Chhattisgarh, thrust of the State on FRA implementation can be broadly divided into three phases. The first phase immediately started after notification of rules in 2008 and FRCs and other bodies were constituted within two months of the FRA rules coming into force. The second phase began in 2010 which was operational for couple of months, while there was lull in the year 2011 and almost throughout 2012 (Please see Table 3.2.7 and 3.2.8 of this report for a trend with regard to acceptance and recognition of individual and community claims). Matters only geared up again after the National review organized by MoTA in the month of December, 2012 and the amendment of rules coming into force. This saw renewed efforts by the State to expedite implementation of FRA. This started with a video conference by the Chief Secretary followed by the government coming up with a time bound plan to complete FRA implementation by June 2013. This was also for the first time there was a stated focus on recognizing community rights with directions and orders being issued by the Secretary to all District Collectors.

4.2.3.3 Circular, orders, guidelines, issues and letters:

During the last five years of implementation of FRA, several orders, circulars and letters were issued by concerned department of the government for smooth and time bound implementation of the act. These included specific and detailed instructions to collectors regarding adequate attention to procedures laid under the law, necessary steps for proper boundary demarcation, provision of training and awareness building and lately instructions

were issued for following up according to the 2012 amendment rules. In addition to this there was special instruction for facilitating claim making of PVTGs like Baiga, Kamar, and PahadiKorwas. A detailed list of such orders, circulars and guidelines and their summary is attached as Annexure Table 3.2.13.

4.2.3.4 State Level Monitoring Committee (SLMC):

SLMC was also constituted along with other bodies within two months of notification of the FRA rules on 1st January 2008. As per records available with the study team, SLMC meetings have normally been held once a year except that there is no record of any meeting in 2012. There has been more heightened SLMC activity in the year 2013 with 3 meetings being held until the month of February. This appears to be an impact of regional consultation at Bhubaneswar in September 2012 and national consultation in January, 2013 organized by the Ministry of Tribal Affairs.

In order to expedite FRA implementation, the SLMC constituted a sub-committee under the leadership of PCCF which have only met once in January 2013 as the records suggests. It was also observed that allowing forest department (an interested party under the law) in such a key role has further sidelined the role of tribal department and helped FD gain control of FRA processes on the ground. Infact analysis of one of the SLMC meetings indicate its decision to direct revenue and forest department to issue titles (refer Meeting of SLMC on 16th February 2009 inTable 3.2.7 under Annexure) It is important to mention here that neither of the department has any authority to do so under the Act. Despite the tribal department being the nodal agency, the official marginalization of the nodal deptartment from the beginning of implementation of the Act has been problematic. Several SLMC decisions have vested the forest department with certain responsibilities to file status report on FRA implementation in sanctuaries and other areas which shows how the role of the tribal department was undermined (For a summary of SLMC decisions, please refer to Annexure Table 3.2.7)Infrequent meeting of SLMC has resulted in inadequate monitoring of FRA implementation in the State. This has also affected proper and time bound implementation of FRA.

While in the meetings, the SLMC had issued directions on raising wider awareness, forest village conversion, ensuring rights of PTGs, convergence, emphasis on claims as per Sec 3(1), claims related to seasonal landscapes (pastoralist in this case) and other provision of the

law and rules, most of these directions have found little implementation on the ground. (for detailed summary of SLMC proceedings, please refer to Annexure Table 3.2.7).

The tribal development department of Chhattisgarh has been mostly inactive until recently (until the national review at Delhi held in December, 2012) amidst lack of clarity with regards to their nodal agency role. It was only in the meeting called by Chief Secretary as a follow-up to the national review, there has been a better clarity on their role as a nodal agency. The department is also constrained by lack of adequate human resource to monitor and facilitate FRA implementation in the field.

4.2.3.5 Legal intervention and implication

The study team has not come across any instances of legal interventions with regard to implementation of FRA. However certain grievances with regard to FRA implementation are reported to have been filed with the ST/SC commission at Raipur. This was revealed in course of discussion with few local NGOs. Interestingly, these grievances have not been to SLMC, the supreme body for monitoring of FRA implementation in the State. The study team does not have the detail of all cases but one from Dhamtari. (For details, please see Box No: 6)

4.2.3.6 Involvement of civil society organizations

There has been lack of initiative on the part of the State to involve civil society organizations in implementation of FRA. In the study districts, no such collaborative efforts were found and this appear to be situation elsewhere as is revealed through discussion with other stakeholders from different districts. Several civil society organizations are active across different districts of the State on FRA implementation. However their initiatives are concentrated in small patches and there is little effort for out-scaling of such efforts primarily due to lack of resources and also due to lack of coordination between civil society organization. The study team had the opportunity to interact with few members of one CFR Mancha, a loose alliance of several civil society organizations working specifically for recognition of community forest resource rights. One latest proceedings of the state level meeting of the alliance reveals that around 100 claims under Sec 3(1) related to rights over community forest resource rights have been finalized at the level of gramsabha and would be sent to the SDLC in near future.

4.2.3.7 Consultations, Workshops & Training

The study team tried to obtain list and details of workshops, consultation and trainings imparted the State government at different level. However we could not find any such records. Discussions with multiple stakeholders reveal that there has not been any extensive consultation or workshops. We could only find record of one video conference and one State level consultation involving senior/ high level officials of the State government. In the study districts, at least one forest division level meeting cum training has been reported in the initial phase of implementation. There has not been special meetings, trainings at lower level like blocks, panchayat except that the GP secretaries report attending at least one range level meeting cum training on FRA in the initial phase of implementation. Even though decisions have been taken in SLMC or instructions issued by concerned secretaries regarding provision of special funds for awareness building at the level of every panchayat and Rs.20000 has been allocated for each GP, we did not came across any initiatives towards awareness building of local communities and other panchayat level stakeholders. Training of trainers program has been reportedly held at state level on 2012 amendments for the district trainers especially on CFR. However as we could notice from the training manual that it focuses only on rights under Sec 3 (2) especially the '13 purposes' clarified by the ministry.

4.2.4 Status of claims

4.2.4.1 State overview

Table 3.2.6: Overall Status of Claims in the State

Particulars	Magnitude
No of Districts covered	18
No of Gram sabhas held	14871
No of FRCs formed	14871[44]
Total no of individual claims filed	6,59,595
Total no of individual claims approved by DLC	246997
Total Individual title deeds distributed	244426
ST	2,38,226
OTFD	6200
Individual Titles to PTGs	>10000

[44]As found in the study villages and in our interaction with multiple stakeholders, it was commonly observed that FRCs have been mostly constituted at the level of Gram Panchayat combining several villages (in many cases, a single village is found to be very big and is a one village – one panchayat). However the above data do not reflect this trend. It was not clear whether individual villages and panchayats have been mixed up in preparing the status.

No of CR claims filed	4736
No of Community rights recognised	775
Hectares of forest land over which rights recognised under FRA	2,25,041
Post right convergence	
Land levelling	27856
Agricultural inputs	63269
Irrigation works	510
IndiraAwaas	63000
Others	NA
Total right holders covered	91641[45]

(Source: Tribal Welfare Department, Government of Chhattisgarh, 2012.)

4.2.4.2 Time line and Trend Analysis of Claims

In Chhattisgarh, 6, 59,595 individual claims and 4736 community claims had been received by Gramsabha till the end of 2012, out of which 244426 individual titles and 775 community titles have been distributed

Table 4.2.7: Trend of Individual Claims (2008-2012)[46]

Particulars	2008	2009	2010	2011	2012
Claims received at GS	400000	477309	487332	487332	487332
Claims forwarded to SDLC	105000	NA	NA	0	NA
Claims forwarded to DLC	99392	NA	NA	0	NA
Claims approved by DLC	99392	NA	NA	0	NA
Titles distributed	85549	200806	214918	214668	214668
Rejected	NA	240722	NA	NA	NA

(Source: www.fra.org.in)

As can be observed from above table, there has been marginal improvement in receipt of individual claim since the implementation started in 2008. The process of receipt and recognition of claims appears to be have stagnated from 2010 onward. While data is not available for several years, it also appears to be inconsistent and full of discrepancies. E.g. the data on title distribution has actually got reduced for the years 2011 and 2012 as compared to 2010 which is not possible. Since data for most of the parameters is not available it is also not possible to triangulate and verify the existing data. Over all the progress with regard to recognition of individual claims is not encouraging and have been less than 50% of the total

[45] This figure suggests that a particular titleholder has been covered under more than one convergence program. This was also observed in the study villages.
[46] Figures mentioned above are cumulative

claims received from 2009 onward while situation in the first year of implementation has been highly dismal.

Table 4.2.8: Trend of Community Claims (2008-2012)[47]

Particulars	2008	2009	2010	2011	2012
Claims received at GS	NA	NA	4042	4736	4736
Claims forwarded to SDLC	NA	NA	NA	NA	NA
Claims forwarded to DLC	NA	NA	NA	NA	NA
Claims approved by DLC	NA	NA	NA	NA	NA
Titles distributed	NA	NA	250	775	775
Rejected	NA	NA	NA	NA	NA

(Source: www.fra.org.in)

The aforesaid table clearly reflects the poor situation with regard to recognition of community rights. As could be seen, the actual receipt of community claims have only started in the year 2010 and have not progressed much since then and only 16.36% of received claims have been recognized. Again it is not clear as to what type of community rights have been recognized but going by the experience of field study and very low amount of average area recognized indicate that most of the rights relate to developmental facilities.

4.2.4.3 Rate of Recognition48

The following tables reflect a low rate of achievement in both categories of claims. The achievement rate in case of individual claims is 37% and for community claims it is only 16%. The community claim category again does not have differentiated figures for rights as per Section 3 (1) and (2).

Table 4.2.9: Status of Individual Rights Recognition in Study Districts

Particulars	Bilaspur (PTG)	Dhamtari (Non-TSP)	Korba (TSP)
Claims received	60147	13235	47659
Claims approved	15804	10131	24674
Area recognised (in acres)	20119.8	36011.7	30929.4
% approved	26.28	76.55	51.77
Avg. area/claim(in acres)	1.27	3.55	1.25

(Source: Office of Assistant Commissioners, Tribal Welfare Department, Bilaspur, Dhamtari and Korba)

[47] Figures mentioned above are cumulative

[48] Rate of recognition has been calculated as a percentage of total approved claims as against actual number of claims received

In the above tables, it can be observed that in the PTG district only 26% of the claims have been approved with an average of 1.27 acres of land per claim. In TSP district the rate of approval is 52% with an average of 1.25 acres of land allotted per claim. In Non TSP district it has a higher rate .i.e.77% of claims approved with an average of 3.55 acres of land allotted per claim.

Table 4.2.10: Status of Community Rights Recognition in the Study Districts

Particulars	Bilaspur (PTG)	Dhamtari (Non-TSP)	Korba (TSP)
Claims received	566	359	0
Claims approved	486	285	0
Area distributed(in acres)	1612.7	978.5	0
% approved	85.86	79.39	0
Avg. area/claim(in acres)	3.31	3.43	0

(Source: Office of Assistant Commissioners, Bilaspur, Dhamtari and Korba)

As can be observed from the table above, no community claims were received in Korba until end of December 2012, while of the total claims received, 85.86 % of claims have been approved in Bilaspur and 79.39% in Dhamtari. While the average rate of recognition (based on total claim received) appears reasonably good, the total number of actual claims received shows extremely slow progress on this front. Further, the average area recognised happen to be between 3.31 acres in Bilaspur and 3.43 acres in Dhamtari, which clearly indicates that all these claim relates to diversion of forest land for developmental purposes under section 3 (2) of the Act. From the data, it can be safely concluded that the process of inviting and receiving claims related to community forest resource rights u/s 3(1) was yet to begin in the study districts.

4.2.4.4 Claims Approval and Rejections at Different Level

Table 3.2.11: Individual Claims Approval: State and Study District Level

Particulars	Bilaspur	Dhamtari	Korba	State Total
No of claims verified by FRC and send to G.S	566	359	0	4736
No. of claims verified by G.S and subsisted to SDLC	508	359	0	NA
No of claims verified by SDLC and submitted to DLC	486	285	0	NA
Finally approved for titles by DLC	486	285	0	775

(Source: Office of Assistant Commissioners, Bilaspur, Dhamtari and Korba)

The table show that the difference between claims received and the claims approved got reduced every year up to 2010. It can be further observed that most of claim rejections/ retentions have happened at the level of gramsabha. This conforms to our field findings as has been discussed in subsequent sections

Table 4.2.12: Individual Claim Rejections: State and Study District Level

	No. of Rejected cases	Level of rejection			
		G.S	SDLC	DLC	Total
PTG - BILASPUR	53	53	0	0	53
TSP - DHAMTARI	5	5	0	0	5
TSP - KORBA	2	2	0	0	2
Sub Total	60	60	0	0	60
State Total	**361636**	**NA**	**NA**	**NA**	**361636**

(Source: Office of Assistant Commissioners, Bilaspur, Dhamtari and Korba)

The above mentioned table clearly reflects that all rejections have happened at the level of gramsabha. As found in the field study and interaction with multiple actors, this is generally true for the entire state. However to what extent the gramsabhas played an independent and empowered role in making decisions in this regard is highly doubtful as far as our field studies indicate. This is discussed in detail in the subsequent section of this report.

Table 4.2.13: Community Claim: Approval at different level (State and Study Districts)

Particulars	Bilaspur	Dhamtari	Korba	State Total
No of claims verified by FRC and send to G.S	566	359	0	NA
No. of claims verified by G.S and submitted to SDLC	508	359	0	NA
No of claims verified by SDLC and submitted to DLC	486	285	0	NA
Finally approved for titles by DLC	486	285	0	775

(Source: Office of Assistant Commissioners, Bilaspur, Dhamtari and Korba)

As discussed in the previous section, all the community claims are as per Section 3(2) of the act. As can be observed from the above Table 3.2.13 in the study districts, most of such claims have been rejected at the SDLC level and some at the level of gramsabha while there have been no rejections at the level of DLC. However it cannot be fully concluded that the remaining claims were final rejections and that none of the claims are pending or remanded. Overall, data on recognition of rights related to community category in case of Chhattisgarh in general and the study districts is found to full of discrepancies. Until conduction of the study, no concrete steps were initiated to properly update the data and differentiate them as per different categories of community related rights under section 3 (1) and (2). It was though clear that progress of recognition of community claims has been extremely tardy in the state.

Table 4.2.14: Community Claims: Rejection at different level (State and Study Districts)

Table.no.1.8. Level of rejections: Study district & state level (community Claims)				
	Level of rejection			
	G.S	**SDLC**	**DLC**	**Total**
Bilaspur	58	22	0	80
Dhamtari	0	74	0	74
Korba	0	0	0	0
Sub Total	58	96	0	154
State Total	NA	NA	NA	775

(Source: Office of Assistant Commissioners, Bilaspur, Dhamtari and Korba)

4.2.4.5 Average Area under Claim

Table 3.2.15: Average Area Recognised per Claim (in acre)

Particulars	Individual	Community
State Average	2.27	5.71
Study Districts		
Bilaspur (PVTG	1.27	3.31
Dhamtari (Non-TSP)	3.55	3.43
Korba (TSP)	1.25	NA
Average of Study Districts	2.02	3.37

(Source: Office of Assistant Commissioners, Bilaspur, Dhamtari and Korba)

The above table explains the average area of forest land recognized (Individual, community). The average area recognized per individual claim is 2.27 Acre approximately whereas for community rights it is 5.71 acres per claims as state level average whereas it is 2.02 and 3.37acres respectively for the study districts. This also indicates that the community rights have been recognized for 13 developmental facilities under sec 3(2) only as areas for community forest resource rights would have been much bigger. The report of the government does not classify the type of community rights recognized; hence it is difficult to ascertain the status on recognition of rights as per Section 3(1). In one of the study report, it was pointed out that government of Chhattisgarh admitted of not initiating action on rights under Sec 3(1) (b to m) (Saxena, 2010)[49] In the study field covered, we have not come across instances of recognition of rights over community forest resources.

[49] Personal report on Chhattisgarh prepared by Dr. N,C, Saxena based on his visit as a part of the MoEF/MoTA Committee on Forest Rights Act constituted to evaluate the implementation of FRA.

4.2.5 Implementation of FRA in the Study Districts: Narrative Analysis

4.2.5.1 Committees at different Level:

Constitution of Forest Right Committee

In all study villages, FRCs were initially formed in the year 2008 following up on the official notification of the FRA rules. The FRCs were formed in gramsabha meetings held mostly at GP level, however it is doubtful whether most of the GS had proper quorum as could be found in the case of study villages . The FRCs were formed in a hurried fashion within a small period of time and with little or no information about it at the village level. This appears to be same across the state as the government fixed up a time line for formation of FRCs and other required bodies under FRA. As found in the study villages, representation from *para* (hamlet) or ward has been taken as an approach for selecting FRC members. In one study village, voting was carried out to select the President of FRC (and through consensus in other villagers). Different categories of persons appeared to have played an important role in FRC constitution. The most common and prominent role has been that of the GP secretary and FD personnel in addition to school teachers, supervisors of tribal hostels etc.

However we found membership of FRCs varying in different places and in at least three study villages, we found that there are no women members in the FRCs. **In all studied FRCs, the GP Secretary has been found to be the ex-officio secretary of the FRCs and has been found to play the dominant decision making role.** This appears to be a general situation throughout the state as our interactions with different stakeholders suggested. It was observed that the FRC proceedings have not been maintained in separate registers and a single register contains proceedings of several FRCs under a GP. In all cases studied, we found such combined registers lying with the GP secretaries and not in custody of the concerned FRC. For the study villages, the FRC proceedings could not be located for several villages especially those related to the first phase of FRA implementation which happened in the year 2008. It was also found that since the GP secretaries also change, sometimes at more frequent interval, there is absence of proper handover of charge and documents. The quorum of gramsabha organized for FRC formation could not be verified in many cases due to lack of data but in some of the cases, we have found that the gramsabha quorum has been extremely low. E.g. in village A under Bilaspur, it was found that only 10.4% of the GS members were

present during FRC formation. However the FRC president claimed that around 125 – 150 people participated in the meeting but the records pointed otherwise. However where there have been external facilitation, things have been better for example in village B under Korba, around 47.44% of GS members were present during FRC constitution. This might be still not the best situation but things have more problematic in other cases. In our discussions at the study villages, it took lot of time for people to actually identify FRC in their villages; they are much more familiar with the VSS formed under JFM and would normally start talking about it when asked about the FRC. Only when one started asking if anybody has recently got 'patta' over forest land (on *bejakabja* land) and if they know of any committee/ person who were dealing with it, then they would remember and most of the time they would not talk about any committee rather would talk about some persons who would have been 'incharge' of the patta process. In the study villages, we could found different approaches to committee constitution. Out of the survey villages, except one, selection of FRC members was by consensus whereas in at least one case, they have gone for ballot based election. In most cases, we were not able to trace the complete proceedings of FRC formation and it was unclear as to how many people were present in the Gramsabha. In at least two cases, we found the FRC presidents is also a forest chowkidar and in this way have an obligation towards the forest department and our interaction with civil society members working in other districts suggested similar trend in many parts of the State. This might adversely affect impartial functioning of FRC. In our interaction with multiple stakeholders it was observed that Forest Chowkidars or villagers attached with forest department or their program have been made FRC presidents.We have found instances of FRC's decisions being influenced by the forest department. **This has come out clearly in case of village A under Bilaspur, where several Baiga persons allege that their applications were rejected even before formal acceptance for consideration by the FRC (or the GS). It also serves as a tool of control over FRC decision making by the forest department.**

In some study villages, we also found some of the VSS members were not happy about 'giving away rights to tribal people as this would aggravate destruction of the forest' and people allege that members of VSS have been actually used in many cases to evict people from forest lands e.g. of Kamars in Dhamtari where their houses were allegedly destroyed and burned by members of VSS **(for detailed case study, see Box No: 7).**

During discussion, one SDO forest opined that the formation of FRCs have been improper. He feels that the process of formation of FRC was captured by village elites and for this reason, many deserving cases could not get recognition over their lands. Also, there has been lot of play of money; he feels that virtually everybody extracted money from the villagers on the promise of giving them land.

Representation of women in FRCs and their active participation in its affairs has been inadequate in the study villages. In some FRCs (at least the one constituted in the first phase), there were no women members e.g. FRC of Budharao village (Dhamtari). Though there have been representations from PTG communities, it is mostly notional. One Baiga FRC member village A under Bilaspur does not appear to have any idea of the objective, role and responsibilities of FRC. He also suggests that he has not attended any FRC meeting and do not have any idea if any such meetings have ever happened in the village. He alleges that the FRC president who is from the dominant Gond community controls and decides everything and has been apathetic to the needs of Baiga people. *He has got titles for his own people* (not necessarily own community but also people who are 'close' to him). Another person from FRC president's own community had similar things to say.

Level of FRC constitution has been found to be varied in the study areas. In Dhamtari, in all the study sites, the FRCs have been found to be at the level of gram panchayat and in case of forest village it has been formed at their level and attached to the nearest gram panchayat. In Korba, which happens to be a fully scheduled area, the FRCs have been found to be constituted at the level of Panchayat. In case of two villages (dependent villages), this has been the dominant case, where FRCs have been at the level of GPs covering 3-4 revenue villages. It appears that, situations have only changed in case of Bagdara (a study village under Korba) where there is NGO intervention and for this reason, people are more aware about the Act. In Bilaspur also, FRC has been formed at the level of panchayat consisting of 3-4 villages or single village panchayats e.g. Aamadobe which itself is a single village and a panchayat. It has 9 hamlets and is highly scattered and especially the Baiga settlements are far from the main village settlement that has the panchayat house and is a seat for village level discussions and meeting. This makes GP level FRCs highly non-representative and also making them incapable of ensuring reaching out information or facilitate claim making by potential claimants. **As was found that around half of the potential claimants in the study villages have not even filed their claims even after 5 years of the initiation of the process.**

This is discussed in detail in the subsequent section. Even in villages where FRCs have been separately formed, we have observed the proceedings being recorded in a single register by the secretary at the Panchayat level. In our study, we have not come across any instance where FRCs have been formed at lower/ hamlet level to facilitate better claim making. In villages like Aamadobe, in many hamlets, people have no clue of FRC and the processes involved. This lack of awareness is more pronounced amongst Baiga communities.

FRC meetings have been found to be not happening in at least 4 study villages with average of one/ two meetings in another 6 villages. Only one village reported 8 meetings since initiation of implementation in 2008 – however we also found intensive NGO presence in this village who have been following up with claim making on CFR in the region. On the whole it is observed that inspite of passage of 5 years after implementation of the act, the FRCs have generally failed to evolve as empowered bodies. This has been due to lack of proper education of FRC members on the Act and their roles and responsibilities.

In Dhamtari, where the administration has given noticeable focus on facilitating claim recognition of Kamars, who happen to be PVTGs, their active participation in the claim making process is still missing.

Reconstitution of FRC as per 2012 amendments

As per the 2012 amendment rules, FRC reconstitution has taken place in most cases. As observed in the study villages, women have been included in FRCs where they were left out when FRCs were constituted in the initial phase. There have been changes in the member composition but Presidents in at least 10 studied FRCs are found to have retained their positions who also appear to dominate FRC works. However the level of FRCs has not changed and they have again been reconstituted at the GP level in violation of the 2012 guidelines and the amended rules.

Constitution of Sub Divisional Level Committee and District Level Committee

In Chhattisgarh, all DLCs and SDLCs were formed in a particular period of time i.e. between 25thto 29th February (GoI cited in Bandi, 2012). The study team was not able to locate all relevant documents regarding constitution of DLC and SDLCs in the study area, but few notifications were found which matches with the period mentioned above. Thus government

was initially active to follow-up on the Act and these authorities were established within two months of notification of the rules.

The compositions of DLCs have been as per provisions of the Act. It was found that there has been no regularity of DLC meeting. Based on the proceedings available with the study team, it appears that all the DLCs only met when claims have been forwarded by the SDLC for consideration or minister's visit has been planned for an area for distribution of titles. There have been no regular meetings to review progress of FRA implementation. As per records available with the study team, following has been the frequency of DLC meetings in the study districts:

Table 4.2.16: Frequency of meeting of studied DLCs

Name of DLC	No. of meetings				
	2008	2009	2010	2011	2012
Bilaspur	NA	NA	NA	02	04
Dhamtari	NA	04	NA	01	03
Korba	02	06	NA	NA	01

Note: *The above data is solely based on documents made available to the study team and for the years no data was received, it cannot be concluded that meetings have not been held. However discussion with DLC members suggested that on average DLCs would have not met more than 2or 3 times year.*

However other issues related to FRA implementation have been also discussed in such meetings and directions were issued. It was commonly observed from the proceedings that all claims recommended by the SDLCs have been approved by DLC. In at least one case, applications from a particular forest division were remanded to SDLC for want of information related to area of land proposed for recognition. Some of the key issues pertaining to functioning and performance of DLCs are briefly discussed below:

- Government officers have been found to play a dominant role in the functioning of DLCs. Though in terms of numbers and as provisioned under the law, there is adequate representation of PRI members including women members, their active participation in conduct of DLC is lacking. This is true especially for women

members. One of the women DLC members in Korba pointed out that the letters for meeting would reach by post only after the meeting is over (and is true for many other government meetings). She belongs to a remote region (around 150 kms away from district HQ) and few times DLC meeting got cancelled for want of quorum. In at least one instance we have come across record of under-quorum and cancellation of meeting as few other PRI members did not turn up. She found this frustrating and is completely unaware of the functioning of DLC. Another PRI member from Dhamtari DLC feels that they have not been given real decision making powers and forest department has been playing the most dominant role. He further suggest that all villages taken for claim recognition in his district has been based on the information available with the forest department (it may be noted that certain areas of Dhamtari have been presumed to be free of any kind of occupation of forest land as forest areas are scarce. However the study team could not found any report/ documents that support this). In forest scarce regions, there will be greater chances of eligible right-holders being left out. As we observed in Dhamtari that there has been exclusive focus on recognising rights of Kamars and resident of forest villages (as per record with forest department). There has been lack of information with regard to other settlements that may not have been surveyed or have not been included in records of the government. During discussions though, senior officials deny the existence of such settlements. In this regard, it is advisable that the state govternment should not follow a selective approach based on information of the forest department alone and should ensure that FRA implementation covers all villages.

- There has been lack of initiative on part of DLCs to organise trainings and facilitate wide publicity of the Act and Rules especially at the level of panchayats and villages. Though some proceedings of the DLCs reflect discussions and decisions around this, it remains to be grounded adequately.
- The filing of monthly progress report is highly irregular and there is lack of consistency with regard to data on FRA implementation. The DLCs need to take special care to handle this issue.

As per records made available to the study team, the frequency of meetings in the study SDLCs is as follows:

Table 4.2.17: Frequency of meeting of studied SDLC

DLC	SDLC	No. of meetings				
		2008	2009	2010	2011	2012
Bilaspur	Pendra Road	NA	NA	NA	NA	01
Dhamtari	Kurud	NA	NA	NA	NA	01
Korba	Kathgora	02	06	NA	NA	01

Our interactions with SDLC members across the study districts reveal that meetings of SDLC have been highly irregular and it appears, **especially in the early stages of implementation that proposals of claims might have been directly prepared by the forest department and SDLCs have been bypassed.** As is evident from the above table, we could not locate proceedings of SDLCs for some years and the concerned person expressed ignorance about presence of any more documents. It was suggested that other proceedings would be lying with the forest department, however in some of the forest offices that we visited, we failed to locate any SDLC proceedings. Some of the key issues with regards to conduct and performance of SDLCs in the study areas is briefly discussed below:

- Similar issues with regard to participation of PRI members as in DLCs is observed in SDLCs as well.
- SDLC functioning is more dominated by the forest department thereby undermining the role of SDLC as a whole, at least in the first and second phase of implementation. As records suggest, SDLC meetings have been highly irregular.
- There has been ineffective participation from tribal department in SDLCs. **It was found that persons like supervisors of tribal hostel schools who belong to Grade – 3 education workers (*Sikshaya Karmi*) have been made members of SDLC as representatives from tribal department.** In the presence of senior officials like SDM, active and meaningful participation of such representatives is doubtful. Few such members with whom we happened to interact reflects their deep lack of understanding of FRA, role and objective of SDLC and rules under the act.
- SDMs have been frequently transferred hampering the process and functioning of SDLCs. As per our observations in the study districts, there is virtually a new officer coming in every year and lot of time is invested by the concerned officer in getting hold of SDLC functioning.
- Documentation at level SDLCs has been found to be highly inadequate

Process and Approach Adopted for Filing, Verification and Recordings of claims

4.2.5.2 Individual Rights

Call for claims by Gram Sabha

People in villages have come to know about the claim making process from different sources. In some places, announcements were made by traditional village announcers through *munadi* (announcements). From amongst the households surveyed in the study villages, knowledge about calls for claims has been found to be high. However such announcements have been found to be restricted to core village or GP headquarter villages and only households living in those areas have access to such information. In a rapid survey of 100% household of the study village (in addition to the detailed sample survey which only covered such HHs who have actually filed claims), it was found that 53.54% of the potential claimants have not even filed claims. This may be clearly understood from the following table:

Table 4.2.18: Total claims made vis-à-vis total claimants in study villages

District	Village	Potential Claimants	Total Claims	Approved	Distributed
District 1 PTG - BILASPUR	Aamadobe	301	249	**102**	NA
	Pandripani	117	9	9	NA
	Saraipani	61	22	22	NA
	Chhirhitti	46	26	0	NA
Sub - Total		**525**	**306**	**133**	**0**
District2 N-TSP - DHAMTARI	Budharao	63	29	29	NA
	Moolgaon	127	92	90	NA
	Mandwapathra	59	26	26	NA
	Pahanda	136	4	3	NA
Sub - Total		**385**	**151**	**148**	**0**
District3 TSP - KORBA	Kartali	168	100	44	NA
	Bariumraw	71	37	37	NA
	Raha	191	91	59	NA
	Bagdara	126	100	100	NA
Sub - Total		**556**	**328**	**240**	**0**
Total		**1466**	**785**	**521**	**NA**

(Source: Field Survey)

Note: It is assumed that the number of Claims approved= Total claims - Claims rejected

From the above table it can be observed that in the study villages under Bilaspur, 41.71 % of potential claimants; in Korba, 60.77 % and in Dhamtari, 41 % of potential claimants are yet to file their claims.

We found that in case of scattered villages like Aamadobe (Bilaspur), such announcement never reach the far-away hamlets and especially communities like Baiga whose settlements are normally far from the core village. In Dhamtari district, people got to know about the FRA claim making process exclusively from forest department personnel. In at least one village in Dhamtari, we found on record formal issue of notices related to gramsabha and FRC meetings. There have been distribution of leaflets, posters and books on FRA by respective administration but the quantity has been too little to reach the villages most of the time. We saw posters and pamphlets being pasted in the block offices and the books would normally lie with some GPSarpanchs or government extension officer or in the room of CEO of the block. We could not find any record related to production of publication materials on FRA and its distribution. This was a common situation in all the study villages and few other sites visited by the team.

It was also observed that in the initial phases an impression was created amongst local communities that right over only such lands can be claimed which lie within the jurisdiction of the forest department (and forest lands under revenue department cannot be claimed). Infact only cases that were recorded as a part of pre-80 encroachment survey were handpicked for giving titles in the first phase of FRA implementation. Further we could observe misunderstanding with regards to the period of residency. While there is a three generation (75 years) clause for OTFDs, **our discussion with few GP secretaries revealed that they were under the impression that even tribals have to be in occupation of the claimed land for at least 25 years from the official cut-off date. They said to have learnt this in meetings organized by the local administration and especially by the forest department.** When we made clarifications in this regard to one such GP secretary in Dhamtari there were 3-4 people sitting in the same room and were listening to our conversations. On hearing our clarification, one of them immediately replied that they have not been able to apply as their occupation was less than 25 years though their residency is much older. Inspite of clarification issued by MoTA on the periodicity, there appear to be utter confusion at lower level including tehsil/forest division level. The common understanding has been that the concerned land needs to be under occupation for a particular

period rather than actual residency of the concerned person. Another approach to understanding the '25 year's clause' for the tribals could be that it makes the case for only pre-80 occupations and can be a misunderstanding by the forest department. This is also a product of insufficient understanding of the law and such distorted interpretation continues to exist at least up to the panchayat level till this date. This might have also prevented many potential claimants from applying. This issue is more pronounced in field sites in Dhamtari where forest is relatively scarce and number of tribals is relatively less.

We found a major role of FD in supplying claim forms. The claim forms have been printed in different colours: the pink one for STs and the yellow one for OTFDs and white form for community claims. This could be a good approach to sorting the forms, however it might have a divisive effect at the village level. Though the division was not apparent amongst people but opinions of 'OTFDs' reflected that this law (or rather scheme i.e. *yojana* is what people would normally refer to) is meant only for the tribals. Most of the people with whom we interacted suggested that they received the claim forms either from the GP secretary or from forester or forest guard. The GP secretaries we interacted with also suggested that they received the forms from the forest department. One of the senior forest officials also confirmed this. He was of the view that even if the FD does not have a mandated role in implementation of the Act, it has virtually done everything so far for implementation of the Act and one of the significant contribution had been in terms of making available the forms to villagers. In some cases, people also had to buy forms from nearby shops/ photocopying centers but we do not come across high instances of this. While in the rights recognition process, a clear emphasis has been given on considering recognition of rights of tribals, we have not come across any instance where OTFDs have been prevented from applying but putting different colours to the forms, even for whatever administrative purpose does tend to make a discrimination which can be avoided.

Submission of claims at FRCs and Acknowledgement

The claim forms have been filled and collected by different entities in the villages. **It has been normally collected by the staff of Forest Department or the GP Secretary.** The mandated role of FRCs in carrying out this process could not be found in the study villages. It was also observed that the concerned FRCs were actually unaware of any such role of theirs in the first place. In none of the study sites, any acknowledgement for receipt of claim forms

has been provided. This appeared to be a general situation across the State as could be observed through our interaction with multiple stakeholders.

Evidence used in the claim process

Until completion of the study, there has been no initiative for recognition of community forest resource rights and most of the community rights pertain to Section 3 (2) of the Act. Thus majority of claims pertain to individual tenure. The most common piece of evidences that has been used includes voter ID, caste certificate and statements by village elders. For supporting OTFD claims, the government has taken a remarkable initiative to issue genealogy certificates (locally known as *missal*) to local communities as proof of their residency in the concerned village and officials suggested that a more relaxed approach will be adopted for OTFD cases in future. They suggested that less emphasis would be given on the 75 years clause and more thrust will be given on the three generation aspect and anybody able to prove it will be considered as sufficient.

Recording of claims by FRC

In the study sites, we found that list of claimants has been prepared as a part of the FRC proceedings. However in all cases, this does not reflect the actual number of original applicants as we came across instances where decision whether to admit a claimant's application for consideration have been made without any verification arbitrarily by the FRC president or the FRC under the influence of forest department or by forest department staff/ parwari by themselves.

Also in many cases the list appears to be partial or the list has not been made for different phases. There does not exist any list of original applicants, rather the only list that exist is that of persons considered for recognition of their rights (approval or rejection). In most of the FRCs we were unable to find proceedings of the earlier phases of FRA implementation. It was also found that the FRC proceeding files is kept with the GP Secretary and not with the concerned FRC. As most of the FRCs have been constituted at the panchayat level which also has more than one village, separate registers have not been maintained for different villages. Also in places where FRCs have been constituted at the village level and there are more than one village under the GP, proceedings of all FRCs were found to be maintained in a single register (e.g. FRCs under MandeliGP) and lying with the GP secretary. This is also

probably due to the fact that GP seceratories have been made FRC secretary in violation of FRA rules. This pattern flows more from the way gramsabha and gram panchayats function for all other purposes. On asked why there have not been regular FRC meetings in their village and especially on CFR claims, the President of one FRC under Dhamtari district suggested that there has been no instruction from the government to hold any such meeting (*Shashan se aisa koi nirdesh nahin aya*). He further suggested that they only organize gramsabha or any such meeting only when there is an instruction from government. It needs to be understood when all gramsabha functioning has been a top-down affair, a bottom-up process as envisioned under FRA would have great obstacles in getting accommodated and particularly when people are also conditioned to the governmentalized way of conducting gramsabha.

It was also found that all GP secretaries who were involved in the first phase have been transferred and in some cases have not handed over the documents to the subsequent person. For this reason, FRC documentation has been found to be missing in many cases.

Verification and Mapping

As it appears in the study villages and common across states, in the first phase of FRA implementation in 2008, only pre-80 occupation cases on record with the forest department were picked up for providing titles. As observed in study villages, no proper procedures have been followed as provisioned under the Act and its rules during the period. This is probably one of the reasons why we failed to locate FRC proceedings of early recognitions. However the situation has changed with the second phase of implementation where efforts have been made to facilitate the right recognition process through FRC and gramsabha but still they are hugely influenced and controlled by patwaris and FD staffs.

In districts like Dhamtari where there are highest number of forest villages, emphasis of FRA implementation focus has got concentrated only in such villages. As revealed from our field study, an entire block (Kurud) has been left out on the supposition that no forest land occupation exists there. However we have not come across any documentary evidence that substantiates this supposition. Even in the forested regions of the Districts, only Kamar people have been targeted for right recognition. While this targeted focus on marginalized Kamar communities who also belong to the PVTGs is praiseworthy, there needs to be an equal focus on exploring status of other communities who live in ‘non-forest villages’.

There has been procedural flaw in dealing with claims where many claims were not even admitted for consideration by FRC under influence of external agencies like forest department, without carrying out proper physical spot verification. However for claims that were admitted for consideration, physical verifications were carried out for some claims and not carried out for all claimants. The process of verification is hindered due to non-availability staffs from revenue or forest department and the FRC is not fully aware about the procedures as laid down under the rules under the Act. In case of the claimants surveyed, in at least 25% of cases, no staffs were present during verification of claims in the study villages. Amongst the study districts, the situation has been more acute with non-presence of government staff during verification in at least 44% of cases for the claimant household surveyed (for details, please refer to Table 1 in annexure).The results from household survey shows mixed results with regard to the status of prior information to the claimant for verification of claimed land. This is outlined in the following table:

Table 4.2.19: Level of status of prior information to claimants regarding physical verification of claims

S. N	District	Total No of sample claimant	No. intimated about verification of claims
1	Bilaspur	80	38 (47.5%)
2	Dhamtari	80	68 (85%)
3	Korba	80	76 (95%)

(Source: Field Survey)

As can be observed from the above table, in Bilaspur, only 47.5 of the respondent claimants expressed their knowledge about prior intimation, while in Dhamtari and Korba situation was much better with 85 and 95 % of the respondent claimant having prior information of verification process. In villages like Bagdara and Kartala (Korba), all the claimants were asked to re-apply after passage of the 2012 amendment as the FRC has been reconstituted. The amendment however does not mandate a re-application from claimants, rather the unprocessed or rejected claims could be considered afresh. The Secretaries of the concerned GPs suggested that there have been instructions from the upper level to do. This also meant doubling the pressure of paperwork at the gramsabha level thus slowing down the process of recognition of rights and also allowing for discrepancies. Physical verification has been done by foresters/ patwaris along with some FRC members. A *panchnama* in prescribed format has been prepared based on the verification which included boundaries and estimated area with

an approximate map (Nazri-Naksha). However in study villages and some of the sites that we visited out of the study areas (especially in Bilaspur area), people allege that the *panchnamas* have been made without any field verification and **that signatures of villagers as witnesses were actually obtained in the empty panchnama forms when the claim applications were filled in. Several village representatives suggested that they were told by the forester that signature of witnesses would be required send the forms to higher level (*upar bhejne ke liye*). Few elders in one village under Bilaspur suggested that verification reports have been prepared by patwaris and foresters by sitting in their offices without conducting any ground verification and they have virtually decided as to whose claim should be approved. Several GP secretaries have similar contentions.**

Amongst the study villages where there have been NGO support to claim making under FRA, there have been instances of FRC undertaking claim verification process on its own, however as one the FRC president suggest that any such verification done is meaningless unless they are vetted by forest and revenue officials. It is observed that there is a lack of awareness at the level of FRC members regarding the verification procedure as provisioned in the FRA rules. They seem to be neither properly aware regarding the need and frequency of intimation to the concerned authorities and about the circumstances when the FRC can go ahead with the verification process in the absence of any officials and when recommendation of gramsabha cannot be contested by authorities after they fail to be present for spot verification inspite of due intimation and reminder by the FRC as specified in the rules under FRA.

Box No: 1 - *Misplaced Plots*

BirbalNagarchi happens to be from the one of the first settler families of Moolgaon, a forest village established by the Forest Department way back in 1923. He filed claim for the forest land under his occupation and subsequently got the title. However to his shock he discovered that the land mentioned the title is not the one he has occupied. This was revealed when his application for land levelling (under convergence on land recognised under FRA) under MGNREGA was approved **and on subsequent physical verification it was found that there exist a pond in place of the plot mentioned in the title.** Similar problems have been faced by others in his village. **Also many people of the same village have got title of land much less than they have occupied and claimed and the actual location of the land could not be known from the title paper for want to details like khesra no., compartment no., boundaries etc.**

In the study villages, it was found that no maps have been provided to the FRCs to facilitate claim verification process. This appears to be a common situation across the State. One senior forest official suggested that neither the tribal department nor the revenue department has provided requisite support in the claim making and verification process. The revenue department failed to provide *patwaris* to assist claim verification process (It may be noted here that mostly retired *patwaris* are being used in assisting the claim verification process). The senior officer further suggests that these *patwaris* just behaved like Moghul era Todarmals who were keen on extracting money from the villagers.

Box No: 2 - Ignorance of law and assertion of claim

Mewalal of Chhirhitti village (Bilaspur) belongs to Baiga tribe. He has been doing agriculture on a plot of forest land for the past 20 years. In 2007, the Beat Guard from the forest department planted Ratanjot (Jatropha) in his plot. On opposition the guard insisted that this patch belongs to the forest department and that he has no right over it. After a year when the plants died, Mewalal again started farming. The FD again came and seized his bullocks. This time Karanj (Pongamia) was planted in the plot. Neither the Karanj plants exist, nor does Mewalal have any effective control over the plot due to repeated dispossession. Preliminary Offence Report (POR) was filed against Mewalal in the year 1999, 2002, 2003 and he has paid a total amount of Rs.1200 towards fine over the period. Though the POR receipt is a valid piece of evidence in support of claim making, there has been no initiative on the part of FRC to take up his case and facilitate his claim making. On asked about FRA and the opportunity for him to file his claim, he reflected complete ignorance about the act itself. As he never got to know about it, he could never apply and remains uncertain about future

Arbitrary functioning of patwaris or frontline staffs of forest department is evident from our field observations. Few examples could be worth discussing here. One woman claimant of village B under Korba district had submitted claims and verification of her plot was carried out jointly by few FRC members and forest department staff. However she had two plots of which only one was verified. The forest official refused to verify her second plot which is more intermeshed with trees and she also has a small *khalihan* there. She mostly grows maize and jwar in this plot. Though the FRC members were convinced about her eligibility for the said plot, the forest staff tends to override their opinion and her claim for the said plot was not recorded. The forest staff was of the opinion that this plot has lot of trees and he would lose his job if he endorses her claim. The nature of the plot would come under the ancillary category as provisioned in the amendment rules and such action by the forest staff is in clear violation of the spirit of the law and provisions under the rule.

In village A under Bilaspur district, while one plot belonging to one Baiga claimant has been verified and his claim was supposedly recognized (we could not locate any evidence in this regard either in the form of FRC proceedings or issue of title) but the next adjacent plot belonging to another Baiga claimant was not verified and his claim was subsequently rejected without any reason being assigned for the same. The study team happened to visit both the plots that were deep inside the forest and could observe that both the plots are equally oldeven though not equally developed (one was a more clear plot, the one of second claimant was more intermeshed with trees). The clearance surely was much before the cut-off date and there were ample evidence of agriculture being done by him. There appears to be a difference in land claimed and the area of land recognized. Visits to plots for which titles have been issued in the study gave us an idea (through visual estimation) that lessland has been recognized than actually occupied and claimed. At the FRC/ gramsabha level, there is also dearth of data that would have shown the actual area claimed and area recognized. We tried to do a detailed analysis based on FRC proceedings of Moolgaon, a forest village under Dhamtari district, where out of 79 titles recognized so far (out of 106 claimants), 42 claimants have got less than what they had claimed and 37 claimants have got more than what they had claimed and 25 claims have been rejected (for details, please refer to Table 3.2.22). However no reasons have been recorded for such rejections. Actually the decision to allot area of land is largely influenced by the forest department who are generally found to be in control of affairs in forest villages and in other villages as well. The ultimate detail that a FRC proceeding have been found to include is information on the area recognized and the concerned khesra number (in case the forest land is within revenue boundary) or compartment number (in case the land falls within jurisdiction of the forest department). Two villages were taken up for a detailed analysis of authenticity of location and area recognized by using GIS technology. The analysis results have been indicative as proper cadastral and forest maps could not be obtained after repeated attempts. One of the cadastral maps had no information on plot number and legends were not present making the process of identification impossible. **As per analysis of few sample cases, there appears to be substantial mismatch between actual possession and area recognized in Aamadobe village for all the sample cases that were taken. It shows that the claimants have received much less land than what they actually posses. In another village called Bagdara, the area recognised has been found to match with the claim. However this has also been a product of external facilitation by a local NGO and it was observed that the FRC**

members have actually made physical measurements using chains for each of the plots claimed thereby minimizing chances of error. For both the villages, location could not be verified for want of plot and compartment number. The study team is trying to collect correct maps and other related information. However instances of wrong areas and locations have been found in several cases (**See Box No: 1**)

Approval by Gram Sabha and recommendation to SDLC

It was observed that after receipt of the claim applications, a lot of them were sorted out in preliminary screening in the gramsabha meeting or amongst FRC members or dominant few of the villages without any due field verification. **One Baiga person from Aamadobe, whose application was 'rejected' through such process was only able to sit outside the Gram Panchayat hall and was told about the rejection.** As the President said that, *wohan kaat chhantkiye* (we did some screening out there). **The forest guard was also present in the meeting and appears to have influenced these kinds of decisions. This appears to be a common situation across study villages. This appears to be a general situation across the State as our interactions with various other stakeholders reveal.**

The Baiga claimants of the same village do not have any concrete idea about FRC and its functioning. Majority of them are yet to receive any title though they remember filling up the claim forms. They are equally unaware about the progress of their application or are provided with misleading information. As during discussion, one person pointed out that the GP secretary informed him that his application might have been rejected by the computer and that he needs to re-apply (*computer mein chhant Gaya hoga, phir dubara bhare*), though he was not advised on how to go about it. We also came across instances where claims have been considered and approved in the FRC meeting rather doing it in gramsabha as mandated under the Act. In most of the study villages, most of the FRC members have been found to be grossly unaware of its objectives and functioning. **One such FRC member of village A under Bilaspur district belongs to the Baiga community (PTG). He does not know anything except that he was chosen as one of the member of FRC and has never attended any of its meeting or work. He had also filed claim for land but his claim was rejected as being post 2005 clearance (though there has been no written intimation). Based on the records available with the study team, it was found that in one of the gramsabha meetings for considering claims, only 14.6% of the members were present in Aamadobe (Bilaspur), 6.14% members were present in Bagdara (Korba) and 23.5%**

members were present in Moolgaon (Dhamtari). These examples show that gramsabha processes have not been democratic and decisions of approval or disapproval are mostly influenced by GP secretaries or external agencies like forest and revenue departments. The overall rate of approval at the State level has been very low at 37.06% of the claims being approved. As against the state average, the approval rate in the study districts and amongst the sample household claimants in the study villages is found to be lower except Dhamtari. This can be observed from the following table:

Table 4.2.20: District Approval Rate vs. Approval Rate in Study Villages

Study Districts	Avg. approval rate	Average approval rate in study villages	Average approval rate at State level
Bilaspur	26.28	21.25	37.06
Dhamtari	76.55	46.25	
Korba	51.77	37.5	

(Source: Field Survey)

The reason for Dhamtari having a relatively better approval rate is based on the fact that there is a narrowed focus on considering mostly forest villages for FRA implementation as the forest department has detailed information on them[50]. In case of revenue villages, the focus has been to selectively facilitate claim process for Kamars. Consequently many potential claimants would have been left out. Also in the revenue villages covered under study, we found that people are not clear about certain categories of land over which either there are habitations or agriculture is being done. These appear to be disputed areas referred to as 'orange areas' in the government parlance. We came across instances of people's claim being not recognized in such areas where villagers are aware of such areas. We have come across at least two cases where this might have happened: (a) land claimed by one Goutam of Aamadobe village whose claim was rejected at the gramsabha level as it was considered as revenue land by the patwari (b) a complete hamlet is said to be settled in such orange area in Lengi village under Pasan area in Korba district We were told that the hamlet belongs to

[50] It must be noted that these forest villages are as per the record available with the forest department. No list of unsurveyed/ unlisted villages are officially available and the government denies existence of such settlements. This may not be correct as in Dhamtari we came across instances of settlements of dam displaced residing over forest lands but they are considered illegal by the administration.

Pando community (a PVTG group) and their applications were not considered due to opposition by the local forest department. **(for details, see Boxno: 4)**.

Influence of forest department in FRC / GS decision making has especially added to the marginalization of PVTGs in the study areas. Most of their applications have not been even considered or rejected subsequently at the gramsabha level on two popular reasons: late settlers (post cut-off date settlement) or occupation over revenue land (*ghasjameen*). This has been disputed by members of their community and also by other villagers but people are completely unaware of the option available under provisions of the act. In addition to supporting such communities in filing, there is a need to consider their cases afresh (as now has been decided by the Chhattisgarh government) and specifically occupation by PVTG

Box No: 4 - Orange Areas and disputed rights recognition

Pandopara is a hamlet of Lengi village and GP headquarters and comes under Pasan range of Kathgora forest division (Korba district). It consists of 11 Pando households who belong to the PVTG category. Few of them have got individual titles over some of the lands which they suggest is only a portion of what they actually occupy. One claimant Nan Sai has got 0.405 Ha (Title no: 0457470) while he claims to have more than 5 acres of land under his possession. Another claimant named Balram has got 1 Ha (Title no: 0471205) against a claim over 7 acres of land they he claims to possess. It was suggested that the whole hamlet actually lies inside the 'orange' areas and the local Pando people alleged that the Forest Department has taken control over lot of their land over which they were cultivating *Kodo, Medo, Karda dal etc.* around 4-5 years back and have now established plantations there. They took us to a fenced area adjoining their hamlet and showed some clearing areas intermeshed with trees where they claimed to do cultivation. There was board showing that this was covered under renovation of degraded forests (*bigde vano ka sudhar karya*). **The process started during 2011-12 and actual plantation was done in 2012 covering an area of 104.991 ha in compartment no: OA 609. One local activist suggested that all orange areas are actually considered as *bidge hue van* (degraded forests) by the FD who are eager to carry out plantation there though many cultivated plots exist in such locations and suggested that many more similar cases existed in the region and due to reluctance of the FD people are not getting titles over plots that exist in such orange areas.** When this case was taken up by the study team with the concerned DFO, he refuted the charges and suggested that there has been a politically driven drive to instigate people to lay claim in such areas and that there have been no previous cultivation which can also be verified through Google images. In this context, it will be important to examine the status of occupations in 'orange areas' and proper steps should be taken to recognize genuine claims that might exist in such areas. There exists lack of adequate data both at the level of forest and revenue departments. Maps prepared by the FD are not openly available in public domain.

communities needs proper verification. The marginalization process is more pronounced in big villages (where a single village is also a panchayat) or where there is Panchayat level FRCs. In such places, weaker sections from within the tribal communities have low or no access to the formal processes followed under FRA implementation. **It is important that hamlet level FRCs are constituted so that their interests are properly represented and decision making can be more democratic.** It appears that certain portion of land clearance happened at a particular point of time when there have been news about upcoming FRA and distorted meanings being spread about the benefits; however these have not been widespread as observed in the study villages. In one village under Korba district, we came across only one instance where a clearance has been made post cut-off date and the villagers confirm this fact including the concerned person. On suggesting that this is a patently illegal act and rights over such land may never be recognized, the person expressed that he was hopeful that it might get recognition in future in the same way as old cases are now being recognized. He further suggested that he was forced to do this as his family has expanded and he needs a piece of land to stay (it was a very small clearance with a small hut). If consideration of recognition of rights is delayed the way it is happening at the moment, these instances have the potential to become widespread. We have observed that claimants who have got titles have started investing in improving their lands (whether or not covered under convergence programs).

Modification, Rejection and appeal

As found in the study villages, all rejections have technically happened at the level of gramsabha though the gramsabhas hardly functioned as per the spirit of law and rules of FRA. Data from the household survey reveals the following[51]:

[51]For a detailed study village-wise breakup, please refer to Table no:Annexure Table 3.2.8

Table 4.2.21: Level of Rejection of Individual Claim

District	Village	No. Of Rejected cases	Level of Rejection			
			G.S	SDLC	DLC	Total
District 1 PTG - BILASPUR	Aamadobe	13	13	0	0	13
	Chhirhitti	16	16	0	0	16
	Saraipani	8	8	0	0	8
	Pandripani	7	7	0	0	7
Sub - Total		**44**	**44**	**0**	**0**	**44**
District2 N-TSP - DHAMTARI	Budharao	17	17	0	0	17
	Moolgaon	6	6	0	0	6
	Mandwapathra	17	17	0	0	17
	Pahanda	3	3	0	0	3
Sub - Total		**43**	**43**	**0**	**0**	**43**
District3 TSP - KORBA	Raha	20	20	0	0	20
	Bariumraw	6	6	0	0	6
	Bagdara	17	17	0	0	17
	Kartali	10	10	0	0	10
Sub - Total		**53**	**53**	**0**	**0**	**53**
Total		**140**	**140**	**0**	**0**	**140**

(Source: Field Survey)

A similar trend could be observed across the study districts as can be observed in the table below. This appears to be the general situation across the state.

Table 4.2.22: Level of Rejections: Study Districts and State

Particulars	No. of Rejected cases	Level of rejection			
		G.S	SDLC	DLC	Total
District 1 PTG - BILASPUR	53	53	0	0	53
District2 N-TSP - DHAMTARI	5	5	0	0	5
District3 TSP - KORBA	2	2	0	0	2
Sub Total	**60**	**60**	**0**	**0**	**60**
State Total	**361636**	**NA**	**NA**	**NA**	**361636**

(Source: Office of Assistant Commissioners, Bilaspur, Dhamtari and Korba)

It could be observed from the above table that 100% of the rejections have taken place at the gramsabha level. While in 93.71% cases for the surveyed household, the reasons for rejection remain unclear (for details, please refer to Annexure table no. 3.2.9)

Status of rejected claims in study villages

Table 4.2.23: Level of rejections village level (Individual Claims)

District	Village	No. Of Rejected cases	Level of Rejection			
			G.S	SDLC	DLC	Total
District 1 PTG - BILASPUR	Aamadobe	13	13	0	0	13
	Chhirhitti	16	16	0	0	16
	Saraipani	8	8	0	0	8
	Pandripani	7	7	0	0	7
Sub - Total		**44**	**44**	**0**	**0**	**44**
District 2 N-TSP - DHAMTARI	Budharao	17	17	0	0	17
	Moolgaon	6	6	0	0	6
	Mandwapathra	17	17	0	0	17
	Pahanda	3	3	0	0	3
Sub - Total		**43**	**43**	**0**	**0**	**43**
District 3 TSP - KORBA	Raha	20	20	0	0	20
	Bariumraw	6	6	0	0	6
	Bagdara	17	17	0	0	17
	Kartali	10	10	0	0	10
Sub - Total		**53**	**53**	**0**	**0**	**53**
Total		**140**	**140**	**0**	**0**	**140**

(Source: Office of Assistant Commissioners, Bilaspur, Dhamtari and Korba)

Scrutiny of available proceedings of SDLC and DLC for the study district does not indicate a single rejection at their level. This appears to be a common situation across the state as could be observed through our interaction with multiple stakeholders. The rejections including the process of exclusion have been of two types: a lot of claims were not admitted in the first place as FRC members/ President normally guided by the FD staff/ patwaris decided that such cases are *navtorh* (new forest clearances) and rejected without any due physical verification. Secondly, for other claims rejected, though there is mention of the same in some of the FRC proceedings, most of them do not detail out or even briefly mentions reasons of rejection. Based on discussion with multiple stakeholders and scrutiny of available documents, some of the common reasons for rejection include the following:

- Non-proximity of the claimed land to the homestead land
- Multiple claims from the same family
- New clearances (post cut-off date)
- Occupation over *Ghaszameen* (revenue land)
- Lack of proof for OTFDs
- Incorrect filling up of forms (inspite of they being genuine right-holders)

Though none of the government reports on FRA implementation status included the reasons for rejection, one SLMC meeting took note of the above mentioned reasons and further qualified on two specific reasons as detailed under:

- occupation over questionable land & others – *ghas* (revenue land), *pahad* (hill/hillock), *chhatan* (rock), *pani ke niche*(submerged in water), *abadi* (habitation), *charagah* (grazing land), *nistar ke liye arakshit* (reserved for nistaar);

- occupation over somebody else's land, occupation on land under collective community use – government offices, playground, traditional worship places, gouthan, dabri/talab etc.

Box No: 5 - Marginalising the Gramsabha

Sukhiram Marawi belongs to Aamadobe village. His family primarily depends on labour work and forest resources for their livelihood. He was doing agriculture on a plot of around 3 acres which is a part of the reserve forest land. Initially he was involved in shifting cultivation but later on settled on this particular plot for doing permanent agriculture. However the forest department refused his settlement and planted *Ratanjot (Jhatropha) and Basuki* plants there. This prevented him from doing agriculture on the same plot on a continuous basis. If this plot is visited now, you may not find any signs of Ratanjot as they never survived. He made claim over this plot under FRA which was also passed by the gramsabha after due verification but he got a notice from the same gramsabha informing him about rejection of his claim. The reason cited include that the place was encroached after the stipulated date and that on verification, no evidence of agricultural activity were found. Understandably the decision of gramsabha was influenced and maneuvered probably by the forest department as we could observe that most rejections at gramsabha has been due to objections of the FD or the *patwari*. Sukhiram is neither happy with the government nor his fellow villagers as he believes he is a genuine right-holder as per provisions of FRA.

Except for the reason related to occupation over revenue land (ghaszameen), none of the above reasons have been found to be mentioned in any of the proceedings. In most cases, no written intimation has been made to the claimant. In only few stray cases where we came

across such written intimations, no reason has been assigned for rejection and such letter of imitations were found undated. It appeared that most of the applications are actually pending and its status is not known to the claimants. One of the Assistant Commissioners of Tribal department suggested that in many cases the claims have been approved by the gramsabha but was subsequently suppressed and not sent to SDLC. Though he was evasive on the question of how this suppression might have happened, the hint was towards influence of forest department. It was found across the study sites that there is absolutely no awareness starting from local communities up to block level on the provisions related to redressal of grievances and appeal. **In none of the study villages, we came across instances of appeal. In one area (out of our study site) in Dhamtari, we came across an instance of appeal by a community of displaced persons to SDLC and DLC. This process was aided and facilitated by a local NGO. However after their appeal option until DLC was exhausted, they approached the ST/SC commission. The communities claim that their rights exist on the claimed land as per law which has been ignored by the authorities while deciding on their appeal. They allege that SDLC and DLC decisions have solely relied on report of the forest department and recommendation of the concerned gramsabha which has been always against their settlement (for detailed case study, see Box no: 6)**. It was felt that this case and similar cases would require impartial enquiry and the government should consider carrying out the same.

Box No: 6 Displaced and FRA: the case of FuthaMuda

People of FuthaMuda settlement near Lasunwahi revenue village of Sihadei Gram Panchayat claim to have been living on the forest land patch since 1975-76. They all belong to the Gond community and are the ones among the displaced from Gangrail dam that has come over Mahanadi. Most of them happened to be landless when they were displaced or had very small pieces of land. They suggest that the first round of legal action by the local forest department started in 1994 and people had to go to jail after that. Since then, many person from this settlement including women were jailed, some of whom for around 7-9 months. **In 2005, their huts were burned down by the forest department. A court case in 2008 saw acquittal of the people as they were given benefit of doubt. As suggested by one local NGO personnel that they have been staying on the said patch of land more regularly from 1995 onwards though their occupation started from as early as 1976 in forest compartment no 199 (new 166). Some of the court case documents that we had access to shows FD's allegation against the displaced people for encroachment dating to two different years: 1998 and 2001, both of which is much before the cut-off date stipulated under FRA and might be a possible piece of evidence suggesting existence of the settlement.** It is not understandable that how this aspect has been ignored in the right recognition process so far. Since we got the court documents after completion of the study, we did not get the opportunity to discuss this issue with concerned stakeholders including the forest department.

People allege that in the year 2000, when they were doing agriculture, the forest department people along with VSS people from Lasunwahi village came and confiscated their agricultural equipment and bullocks. After getting displaced, they were again preparing for paddy cultivation when the forest department started plantation there and fenced the entire region. Cattles were let loose in their fields to eat and destroy the crops. The villagers allege that the FD has been instigating the local people from nearby panchayats to do this. Over this period, their huts have been burned several times.

Their names have not been included in the concerned electoral roll and thus they are not able to avail benefits of PDS or social security schemes.

In 2008, 28 households had filed claim under FRA. It is important to note here that they were not allowed to form their own FRC in FuthaMuda settlement. Their FRA claims were rejected by the Lasunwahi FRC (the nearest revenue village) suggesting that they were permanently evicted from the land from 1996 (this again is a piece of evidence suggesting existence of the settlement). They filed an appeal with SDLC which was rejected on 8.8.2009 citing recommendation of the gram sabha and report prepared by the KeregaonRange officer. **After appeal was filed with SDLC, an enquiry was done by the forest department through its Range officer. However it is questionable as to how the forest department having a conflict of interest was allowed to take up enquiry of the issue and give recommendations.**

Subsequently they appealed to the DLC, which was also rejected in 2011 citing reasons that they have not been found to be in occupation of those lands as they were evicted much earlier and plantations were done and the area was fenced. The DLC again also relied on recommendations of the Range Office in this regard.

The villagers recently met with the District Collector, Mr.Mandavi who seems to have taken a positive and sympathetic view of their case and have verbally asked them to stay on those lands. When we visited the area, they had started putting up small mud houses in the settlement area. The claims though remain contested and an uneasy calm prevails with the community completely unsure about their future.

Our discussion with senior officials revealed that the Government of Chhattisgarh has decided to consider all rejected claims as pending and would consider them afresh. However people would be required to re-apply for this and their earlier applications cannot be considered automatically. In some of the study villages, people have come to know about the option of re-application, however there is a need for wider publicity of the decision taken by the government because more than rejections, a lot of applications are pending (or actually the status is unclear) and claimants as well as GP secretaries do not really know where the applications are lying. **Interestingly except for the claim applications that were not yet processed at the gramsabha level, we could not find the older claim applications that have been considered and processed.**

Post Claim Support and Convergence

There have been instances of convergence initiatives in the study areas, though it is not wide spread. Major convergence activities include providing Indira Awas (IAY), bund repair, land leveling and provision of seeds and fertilizers. **It was notable to find in the study villages to give preference to women headed households who have got titles under FRA, under convergence initiatives.** An overview of the district and the study areas provide the following status of convergence initiative in the State:

Table 4.2.24: Status of Coverage of Titleholders under different Convergence Initiatives

Districts	Study Villages	Distributed Title (nos.)	Type of convergence initiative				
			Land levelling and bund repair	Fertiliser & seed support	Agricultural Equipments	Irrigation facility (Tubewell, well, stop dam, check dam)	Achievement Rate
			% of title holders covered	% of title holders covered	% of title holders covered	% of title holders covered	
Bilaspur		13484	11.35	23.04	0	0.23	8.65
	4 villages	17	5.88	0.00	0	0.00	1.47
Dhamtari		10337	2.27	22.06	0	0.22	6.14
	4 villages	37	21.62	0.00	0	0	5.41
Korba		24674	2.25	25.15	0	0	6.85
	4 villages	30	10	0	0	0	2.50

(Source: Office of Assistant Commissioners, Bilaspur, Dhamtari and Korba&Field Survey)

It can observed from the above table that overall achievement rate on convergence is very low across the three study districts. As against the district average, convergence achievement rate in study villages is further lower where titleholders have been covered only under land development interventions. There has been no support for agriculture equipment and coverage under irrigation is negligible. Relatively higher coverage at the district level is found towards distribution of seeds and fertilisers, however as discussed with concerned officials, this was found to be a one-time support. Inspite of a better district level coverage, this support has not reached the study villages and as appeared from discussion with block level officials (including staff of the agriculture department) that villagers who are in close proximity to block headquarters have apportioned better share of convergence interventions. The study villages are very remote and this might be a probable reason behind their lack of access to convergence initiative as it happens to most of developmental initiative of the government. However as suggested earlier, convergence initiatives are yet to take off in a big way and categories of support areas have to be need based and tailor-made. Few key observations with regards to convergence initiatives are briefly discussed below:

- The forest lands especially in Korba and Bilaspur districts (out of the study districts) are on a highly undulated terrain and most of such lands are found in the ridge areas inside the forest. These patches of land are susceptible to heavy flow of water during rainy season and require regular maintenance. While the poor communities have put in their best skills to develop these patches and preserve excellent vegetation around such patches, they have not been able to create more permanent solutions against rapid water flow. The land development activities under convergence are found to be typically focused on bund repair and land leveling without taking into account the specificities of the land and requirement of resources. Consequently allotment of resources and exact nature of intervention for any particular land is found to be inadequate and even the existing interventions were found to be incomplete for want of resources.
- Distribution of seeds and fertilisers have been made only once to the right holders and there is lack of adequate plan and steps to ensure sustained support to such farmers. It must also be noted that forest lands are continuously enriched by the flow of biomass from the adjoining forest and hence unplanned input of chemical fertilisers might prove detrimental for such land. Also introduction of any new variety of seeds and lack of its subsequent availability will increase hardship for the farmer and will also

risk intrusion of invasive specifies that might be detrimental to the health of surrounding forests around such patches of land.

- It was commonly found that rights holders covered under convergence initiatives lack adequate information about the scheme, amount of fund allocated, period of the project and areas of expenditure. In several instances we found that though the work is half-done, the concerned beneficiary was told by the RozgarSahayak that the period of sanction of fund is over and consequently the remaining portion of unutilised fund has also lapsed. **They have been also told that a certain portion of the fund allocated for convergence work (Rs. 5000 in our study areas) will be spent towards raising a board that would display details of the beneficiary, the scheme and about the act.**

4.2.5.3 Community Rights

Process and Approach Adopted for Filling, Verification and Recordings of community rights.

In Chhattisgarh, the claims recognized as CFR mostly pertain to developmental rights as provisioned under Sec 3 (2) of the Act. **This is evident from the average area allocated for such rights. The average area recognized under such rights in the sample DLCs range between 3.31 to 3.43 acres (See annexure Table 3.2.12)**The process adopted for making claims for such rights have not been in accordance with the provisions of the act and rules and similar process as in the case of dealing with individual claims has been followed

Few of the key facilities covered under Sec 3(2) and claimed in the study villages include school, community house (*samudayik bhawan*), aganwadi, house for forest department, forest checkpost, vermi-compost pit, house/space for religious ceremony and temple. In at least two study villages people have also made claim over a common patch of agricultural land where all villagers will have equal rights to take turns to undertake cultivation as would be mutually decided in the village. This type of claim would come under Sec 3 (1) (a) and it appears that they have made a wrongful claim application. However, so far communities are yet to get any recognition over such lands.

Process and approach adopted for filing, verification and recordings of community forest resource rights

There have been no initiatives on facilitating recognition of community forest resource rights as mentioned under Sec 3 (1). The only development until completion of the study has been printing of Form C and its distribution in some areas including few villages. **By government's own admission, 70% of GS have not claimed for community forest resource rights (Source: CoG,** 2012). In addition, where local NGOs have been actively involved in facilitating FRA implementation, there have been some instances of initiation of processes for claiming rights over community forest rights as provisioned under Sec 3(1) of the act. In at least two villages in Bilaspur district and 5 villages in Dhamtari district (out of our study areas), we have come across instances where the process for filing claims for community forest resource rights was underway and in at least two cases they were in an advance stage to forward their recommendation on CFR claim to the SDLC. It was learnt that similar civil society initiatives are being undertaken in several other parts of Chhattisgarh. However there is absolute lack of awareness from village level to sub-division level with regards to provisions under Section 3 (1) and especially those related to community forest resource rights. When discussed about community rights, people tend to refer to the developmental rights. Even higher officials also tend to talk about the '13 facilities' only during discussions. **The idea of rights over community forest resources appeared something that is difficult to comprehend by stakeholders at different levels including local communities. However people are aware about nistar rights but this understanding may not cover the expansiveness of community forest resource rights as provisioned in the law.**

It must also be noted that difference between community right and community forest resource right remained unclear and lot of confusions and misinterpretations existed at different level for a significant period of time. While greater clarity was made in the 2012 amendment, this is yet to properly reach at the level of frontline workers and local communities.

4.2.6 Process and Approach Adopted for Filing, Verification and Recordings of PTG Habitat Rights

In Chhattisgarh, there have been no initiatives to facilitate habitat rights for PTGs though there has been emphasis on recognizing individual tenure of PTGs. In one of the recent

presentation in the national review, the Government of Chhattisgarh stated that it considers that demarcation of their habitation is not required and the matter has been referred to TRI for conducting a survey for determining habitat areas of PTGs. Any development post this declaration is not known. Our discussion with senior officials did not reflect any preparedness at their level in this regard.

However even in the case of recognition of individual tenure, PVTGs like Baigas and Kamars who also happen to be the most marginalised amongst tribals, appear to be lagging behind. The key factors behind this relate to their forest based lifestyles and low integration with mainstream village affairs. **As observedthat males from the family would often venture out in the forest for at least 3-4 days for collection of NTFPs and would be left out when announcements (*munadi)* for gramsabha meetings are held or FRA application forms are being distributed. It is observed that women from PTG groups like Baigas are completely unaware of FRA and its provisions about PVTGs.** The FRA implementation also provides an opportunity to understand how tribal societies are not equal and how dominant tribal groups have been able to apportion benefits. E.g. in the case villages, forward tribal groups like Gonds and Oraon (mostly Christians and more exposed to education etc.) have been able to ensure recognition of rights over their forest lands. A senior administrative official from Korba was of the opinion that only *samajhdar* (who can understand well) people have been able to take benefit of the right recognition process and more backward tribes like Pahadi Korwas (another PVTG community not covered under the study) are left out in the process as they are cut-off from the mainstream society and not educated.

In contemporary times with more exposure to markets, it is observed that PVTGs of nomadic nature have shown willingness to settling down. Their forest based livelihoods have also suffered due to shrinkage of forest areas and loss of forest resources due to multiple developmental pressures. This has brought them to village fringes and occupation of nearby forest lands. However, though there are settlements of Baigas that are pretty old, they have been bound to occupy land inside forests due to lack of availability of land within village boundary. In the rights settlement process which is largely controlled by the local forest department, a lot of such claims have been disputed and rejected. **The reasons (though not officially communicated) include such lands being not adjacent to their homes, late occupation (post FRA cut-off date), non-tilled (but many households who have old occupation have not been able to till for want of cattle due to extreme poverty situation).**

These tribes have been moving inside the forest and occupying lands temporarily as forest department would often evict them and carry out plantations in those patches. It is learnt that even there have been late occupations, Baiga people have gone back to the same patches they had occupied earlier. Also it was seen that the Baigas against whom an encroachment case was filed (POR) have been considered for recognition where a similar old occupation has been left out for want of POR, which is simply due to the reason that the concerned Baiga would have been venturing into the forest when such survey took place (it is quite obvious that such surveys took place without any proper information or notice).

The formal rights recognition process (once for all approach with a cut-off date) appears to

Box No: 7 - Contested claims: The Kamars of Mandeli and the forest department

When we landed at Dhamtari for our first round of study, we went to the local range office as we were told by a local NGO personnel that we will be getting all our FRA information from there. We got a grand reception from the Range Officer who spoke high of this contribution in facilitating recognition of titles under FRA and we found later that the focus on recognising rights in forest villages in Dhamtari is noticeable. However there is also a dominant idea that suggests that there is little or no occupation of forest lands in other villages, like for one entire block called Kurud, we were told, does not have a single case of forest land occupation.

The forest department took us to a well fenced 'plantation' site where evidences of huts were also present. As per FD records, the total area of this plot is 363.704 ha and it falls in compartment no: 50 under North Singapore forest range (Dhamtari division). The FD alleged that Kamars (a PVTG community) from Mandeli panchayat had illegally occupied this patch of land in 2010.

The Kamars have a different position to tell; they suggest that they have been occupying this patch of land prior to 1980s and have been evicted by the forest department several times. The team found that they have filed claim under Form – B for community claim over the land stating that they have been claiming this land since 1980 and that they are original inhabitants (*Mool Niwasi*) of the region. However they add in the form that they do not have any documentary evidence towards their claim. They allege that they have been time and again evicted from the land and their huts destroyed. In one of the copy of documents that relates to the statement of the accused in the said encroachment case, no signature of accused appear below the statement, while there are signatures of two witnesses. The community people allege that in pre-FRA days, there have been informal evictions, it was only after FRA that the forest department has formally initiated legal cases against them in 2010 with the intention of showing them as late occupants. The study team happened to visit their hamlets in Mandeli village. We found that they do not have any additional land for agriculture except the Indira Awas house areas. The Kamars claim that they have been occupying the said patch of land on and off as they would often be evicted by the forest department which finally carried out a plantation after evicting them in 2010 and fenced the region. The FD alleges that the Kamar do not have any genuine rights over the land and are instigated and misguided by local political leaders. One such leader whom we met refutedthis charge and suggested that the Kamars are genuine right holders who have been wrongfully dispossed by the forest department

restrict proper right recognition of unstable tribal groups. They appear to be the last runners in occupying lands and settling down for agriculture (or forced to…..also forest resources like NTFPs have gone down significantly due to commercial forest cutting). **Though there is a provision of habitat rights for such groups, the concept of habitat has little or no resonance with contemporary PVTG societies. It was observed in the field sites that their traditional institutions have disintegrated over the period and low life expectancy levels has resulted in loss of community memory on their traditions and customs.** The traditional leadership base amongst them has also been gradually co-opted in government institutions or programs. **We met two such Baiga leaders who are now members of the BaigaVikashAbhikaran and more interested about development schemes, funds and appear to be least concerned about habitat rights or about preserving their traditional and customary rights. They tend to be largely ignorant about the various provisions concerning them within FRA except being aware of individual titles. While we could find that in the study villages, the Baigas are finding it hard to get their rights recognized, both the leaders whom we met have managed to secure titles over all of the forest land under his occupation (one leader showed me 3 title papers that his family has got).** They are found to have better connections with authorities including forest department who have ensured that their rights recognition is properly taken care of.

We found that there is some noteworthy focus on recognition of individual rights of Kamars in Dhamtari district but we did not come across any special steps for recognition of rights of Baigas in Bilaspur. **Their marginalisation is more pronounced in bigger villages and constitution of single FRCs at panchayat level has further restricted their access and involvement in the right recognition process under FRA.**

4.2.7 Other Rights under FRA

4.2.7.1 Recognition of Rights over Seasonal Landscapes: Issues of pastoralists

Parts of Chhattisgarh like Bilaspur and Korba witness incoming of seasonal pastoralist from Rajasthan and Gujarat. Though we did not have the time to do a detailed study on them, it was learnt that there is some arrangement with the local forest department by way of which they pay fees in lieu of permission for grazing of their cattle in their forest area. In one study village called Bagdara under Korba, villagers complained about this 'intrusion' of pastoralist groups. The village FRC president informed that 3 shepherd families came, purchased lands

of backward castes and have settled down in the village, some 20-25 years back. **And in the past 3-4 years, their relative pastoralists have started coming in the village. This has resulted in lot of conflicts with local communities and they feel that the cattle herds are destroying their forest to large extent especially Siali leaves, which is one of their main source of income.** While the forest department provides them with annual permit, any initiative to facilitate their rights over seasonal landscapes as per provisions of FRA is yet to take off. Also the government needs to be cognizant of the local dynamics related to these in-migrations and should take suitable steps to vitiate a potentially conflicting situations while keeping up with the spirit of law.

4.2.7.2 Conversion of forest villages into revenue villages

The highest number of official forest villages exists in Dhamtari district (87) in the State. As we could find in Dhamtari that the entire focus of FRA implementation has been on forest villages and progress on right recognition of individual tenure has been found to be commendable. However there have been no initiatives to prepare and submit proposal for conversion of forest villages to revenue villages. Our interaction in such villages reveal that people are highly willing to have their villages converted to revenue villages so that they can have better access to development schemes and benefits. However they are not found to be aware regarding provisions for the same under law and the procedure as detailed in the rules. Awareness in this regard is also lacking at the level of higher level and it appears that this issue is yet to come to the table of the government for consideration. One senior forest officer only suggested that if forest villages are converted to revenue villages, 'a big headache will be gone' but was non-committal as to when this process would be initiated. When enquired about existence of unsurveyed villages/ settlements and the need for their recognition, a common response from official circle was to deny existence of such settlement in Chhattisgarh. It appears that the government refuses to even acknowledge existence of settlements like dam-displaced who have been residing on forest land (a case in this regard has been discussed in detail in Box no: 6). **4.7 Certificate of Titles**

The certificate of titles issued are found to be of varying quality ranging from minimal information to more detailed information contained in them. The titles that were issued in the earlier phases lack details about the land over which rights have been recognised. Such details relate to unit of measurement of the land, location of the land, map etc. In number of cases seen by us, there was over-writing on titles in the section where the area of land have

been mentioned. **These over-writing have been under the signature and stamp of forest department staff**. On being asked for clarification from higher official, these were referred to as clerical and it was suggested that things would eventually be made accurate when final land records are modified. Within our study, this problem was only noticed in one village that is close to Achanak Mar tiger reserve and we cannot conclusively say how widespread this situation would be. But people allege that they have received recognition for less land than they have been occupying. **The government should take note of this issue and ensure proper verification of grievances related to the same.**

Initially the titles only came in the name of men. However this appears to have been corrected and subsequent titles have been issued in the name of both wife and husband.

Over the period the quality of titles has improved. In Korba collectorate, we were shown titles that will be accompanied with trace maps of the recognised area. Senior officers from other district also informed of similar measures.

4.2.8 Awareness regarding FRA

Quality of awareness of a law amongst different stakeholders particularly at the level of potential right-holders becomes one of the most critical factors for its successful implementation. This understanding resonated with one senior official of the tribal department who suggested that if there is complete education of forest dependent communities about the law, majority of the bottlenecks in its implementation can be removed. Unless it becomes a community demand driven process, implementation of FRA will remain incomplete. Our analysis of awareness levels amongst key stakeholders about the law, rules and procedures confirms this.

Given that now over five years have passed since implementation of FRA began, general awareness about the law, especially related to individual tenure is better, while detailed understanding about the law and its objectives is extremely low especially at the level of stakeholders from frontline government departments who are involved with FRA implementation at the village level and at the level of potential claimants. Based on the household survey and interviews with multiple stakeholders, we have derived a status on the level of awareness of different stakeholders. This is briefly presented in the following table:

Table 4.2.25: Status of level of Awareness amongst Multiple Stakeholders (%)

Type of Respondent	Total no of respondents	General Awareness (%)			Awareness about law (legal procedure?) (%)			No Awareness (%)		
		IFR	CR &CFR	Amnd. Rules	IFR	CR &CFR	Amnd. Rules	IFR	CR &CFR	Amnd. Rules
Claimants	240	100	0	0	12.5	0	0	0	100	100
FRC Members	98	100	12.24	12.24	18.37	0	0	0	87.76	87.76
PRI Members	19	100	15.79	15.79	42.11	0	0	0	84.21	84.21
Revenue Officials	6	100	100	100	100	100	100	0	0	0
Forest officials	6	100	100	100	100	100	100	0	0	0
TDD officials	6	100	50	100	100	50	100	0	50	0

(Source: Field Survey)

As can be observed from the above table that all stakeholders are generally aware about individual forest rights while government officials were found to be knowledgeable about the act and procedure, however this is only limited to higher level officials at the district or division level. The awareness level with regard to community rights under Section 3(1) and development rights under Section 3(2) and about the amendment rules is extremely low amongst community level stakeholders. While officials have been found to be well aware about these provisions, officials from tribal department were found to be less aware about community rights and procedures related to it**. Within the bundle of community rights, awareness about habitat rights of PVTGs was found to be completely missing amongst all stakeholders.**

Lack of proper awareness at different levels, especially at the level of community stakeholders and frontline government staff has been one of the key factors constraining recognition of the variety of forest rights under FRA.

Recognition of Rights under FRA: Summary of Key Issues

- The forest rights committees and the gramsabha have failed to evolve as empowered bodies/ authorities inspite of passage of more than five years of implementation of the Act. Lack of active participation of women in these units has further restricted their active involvement in the rights recognition process under FRA. Grassroot level empowerment is marred by, lack of proper education of potential right holders on the Act, lack of proper facilitative support and guidance by local authorities and proper

sensitisation of frontline staff of government departments about the role of gramsabha and forest rights committees, key authorities under the Act.

- The way Panchayati raj institutions have been conditioned to function has in a major way constrained evolution of empowered local bodies as envisioned under the Act. In most cases, the implementation of the FRA has rested in the hands of the same of set of functionaries/ persons who have been historically a part of the dominant regime and have been contributors to the rights deprivation process in the first place. This has led the Act to be manipulated and tweaked to minimise the intended gains to potential right holders.
- Undermining the role of tribal department in the State has been one of the key factors responsible for lack of correct awareness at the community level and absence of steps for protection of interest of tribals especially PVTGs. The frontline officials involved in facilitation are mostly from forest and revenue depts. and not tribal dept. which has prevented the tribal dept., as the nodal agency, to actively intervene and ensure proper implementation.
- Amongst higher level authorities, the performance of SDLCs has been found to be below par. This may be understood in terms of lack of sufficient meetings, absence of proper upkeep of records, lack of monitoring and review of FRA progress in the region, lack of steps towards creating awareness especially at the level of gram sabhas and addressing specific issues of the region e.g. issues of displaced people's claims; issue of illegal relocation of communities from PAs, proper investigation of 'orange area' issues etc.
- There has been lack of proper focus for ensuring recognition of bundle of rights for PTG communities. As detailed in the report, it was found that PTGs have been marginalised even in the process of recognition of individual tenures amidst a growing popular narrative of they being late settlers (post cut-off date) and forest destroyers. As we have found in the study that though there might be stray cases of post December 2005 forest clearance across different communities, the allegations against PVTGs like Baigas of mass forest clearance does not appear to be well-founded. This is particularly so given their rights over their customary habitats within which they have traditionally moved locations of their residence. However this has been a dominant reason behind their exclusion in the process of recognition of individual tenure, not to speak of community tenure or habitat rights. Though the

government has shown and reiterated commitment to facilitate recognition of different set of rights of PTGs, the decisions and directions in this regard are yet to reflect on the ground.

- The State is seriously lagging behind in the recognition of community forest resource rights under Sec 3(1) (i) of the Act and in the Amendment Rules.
- Short-sighted and time bound action plans for completing FRA implementation has created more problems than solutions. This has included hurried and externally driven constitution of FRCs without active involvement of well-informed gram sabhas has defeated the very purpose of facilitating community empowerment process. Reconstitution of FRCs under the amendment rules have fallen in the same trap, most of which have again happened at the level of panchayats except for places where civil society organisation/ individual activist have been found to be actively facilitating the FRA implementation process. In this regard, it is important to mention that the Act itself does not specify any fixed period for its implementation.
- Non-recognition of rights in orange areas/ *kala jungle(reserve forest areas)*
- Lack of steps for conversion of forest villages to revenue villages
- Non-implementation of FRA in tiger reserves and other PAs and relocation from such areas in violation of the FRA's provisions.

4.3 State Profile: Odisha

Odisha is located on the East Coast of India lies between 17.49' and 22.34' in the North latitude and between 81.29' and 87.29' in the East longitude. The state is bounded by Jharkhand on the north, West Bengal on the northeast, Chhattisgarh on the west, AndhraPradesh on the south and the Bay of Bengal on the east. The state has 155,707 $km^{2\ of}$ geographical area which constitutes 4.74% area of the country. It lies in a sub-tropical geo-climatic region with vastly varied topography.

Physiographically, the state is divided into four regions, viz., Northern Plateau, Eastern Ghats, Central table land and Coastal plains. The state is drained by three major rivers i.e. Mahanadi, Brahmani and Baitarani. The annual rainfall varies between 1,200 mm to 1,600 mm and the mean annual temperature ranges between 25^{o} C to 27.5^{o} C. As per Census 2011, the total population of the state is 41.95 million which constitutes 3.47% of the country's

population of which the rural population constitutes 83.32% and urban population 16.68%. The population density is 269 persons per km^2.

The forest area is 5.81 million hectares which constitutes 37.33% of the geographical area of the state with varied and diverse physiography, climate and edaphic conditions. The state has four major forest types, namely, '*tropical semi-evergreen*,' '*tropical moist deciduous'*, '*tropical dry deciduous'* and '*littoral* and *swamp forests*' The reserved forests constitute 45.29%, protected forests 26.70% and un-classed forests constitute 28.01%.

Table 4.3.1: Odisha at a Glance

Particulars	**Magnitude**
Geographical Area	**155707**
Population: 2011 Census (crore)	4.19
Schedule area	Mayurbhanj, Sundargarh, Koraput (fully scheduled area in these threedistricts), Raigada, Keonjhar, Sambalpur, Boudhkondmals, Ganjam, Kalahandi, Bolangir, Balasor (parts of these districts only)
TSP area	12 districts, 118 blocks
ST population (%)	22.8
Districts	30
Tehsils	317
Development Blocks	314
Tribal Development Blocks	118 (44.71%)
Fully Schedule Area Districts	3
Partially Schedule Area Districts	8
ITDPs	21
No. Of PTGs	13
Population of PTGs	NA
PVT Development agencies (Micro projects)	17
TotalForest Area	58,136 (37% of Geog. Area)

(Source: Census of India 2011)

Odisha has two National Parks and 18 wildlife sanctuaries covering an area of 9110.78 km^2 which constitutes 5.85% of the state's geographical area. Among the protected areas, the largest in terms of area is Similipal Tiger Reserve covering an area of 2200 km^2 and also forms a part of the Similipal Biosphere Reserve. The BhitarkanikaNational Park and Gahirmatha wildlife sanctuary, a mangrove ecosystem is well known for being the world's

biggest nesting ground of OliveRidley sea turtles. Chilika, the Asia's largest brackish water lagoon and a Ramsar site is located on the eastern coast of the state.

As per 20011 Census, the Scheduled Tribe (ST) population of the state is 95,90,756. This constitutes 22.8 percent of the total population of the State and 9.7 per cent of the total tribal population of the country. The state holds 3rd and 11th rank among the States/UTs in terms of ST population and the proportion of ST population to total population of the State respectively. The decennial growth rate of ST population has been 15.8 per cent, which is 0.5 per cent lower than the state's rate of growth of population (16.3 per cent). The State has a total of sixty two (62) Scheduled Tribes. The Scheduled Tribe population in the State is overwhelmingly rural, with 94.5 per cent residing in villages. District wise proportion of ST population shows that Malkangiri district has the highest proportion of STs (57.4 per cent) followed by Mayurbhanj (56.6 per cent), Rayagada (55.8 per cent) and Nabarangapur (55 per cent). Puri district has the lowest percentage of STs (0.3per cent).

4.3.1 Profile of Study Districts

4.3.1.1 Koraput:

The district of ***Koraput*** is spread over an area of 8379 sq km. The entire district is a Schedule V area and accounts for 12.3 per cent of the state's total Schedule V area. The population of the district as per 2001 census stands at 11, 77,954 . It is home to 13 of the 62 tribal groups found in the state. Among the tribes, Kandha and Paraja have the highest population of more than one lakh each. Similarly Bhatoda have a population of more than 50,000. Administratively the district is divided into two sub divisions namely Koraput and Jeypore. According to one belief, Koraput gets its name from Kora Putti, "the hamlet of the Nux vomica". This signifies that the district was once heavily forested with the dominance of Nux vomica (Bhalia) species. Jeypore valley in the district is considered the home of paddy and is one of the agro-bio-diversity hot spots. However the forest cover in the district has come down significantly in the past decades. Still forests occupy a significant place in the livelihood basket of tribal population.

Table 4.3.2: Koraput at a Glance

Particulars	Magnitude
No. of Sub-division	2
No. of Block	14
Total Tehsil	14
No. of Village	2028
Total Population	13,76,934
ST Population	585830
Population density	156
Sex ratio	1030
Literacy rate	49.87%
Geographical Area (sq.km)	8379.00
Area under Forest	1170.59

(Source: Census of India 2011)

4.3.1.2 Dhenkanal

The district of ***Dhenkanal*** spread over an area of 4452 sq km is located in the central part of Odisha. The total population stands at 10,65,983 as per 2001 census of which STs account for 12.79 per cent. The district is divided into three sub divisions and further into 8 CD blocks. There are 1215 villages of which 1076 are inhabited. Forest land accounts for 39.03 percent of the geographical area of the district amounting to 1737.62 sq km. Southern and northern parts of the district are hilly whereas the central part is drained by Brahmani and its tributaries. The northern part of the district bordering Keonjhar is densely forested and has a concentration of the tribal population. Hence this region has been prioritized in the implementation of FRA.

Table 4.3.3: Dhenkanal at a glance

Particulars	Magnitude
No. of Sub-division	3
No. of Block	8
Total Tehsil	8
No. of Village	1237
Total Population	11,92,948
ST Population	

Population density	268
Sex ratio	947
Literacy rate	79.41
Geographical Area (sq.km)	4452
Area under Forest	1654.96

(Source: census of India 2011, 2001)

4.3.1.3 Keonjhar:

The ***Keonjhar*** district is bounded by Mayurbhanj and Bhadrak district to the east, Jajpur district to the south, Dhenkanal and Sundargarh districts to the west and West Singhbhum district of Jharkhand State to the north. The district is having a geographical area of 8240 square kilometers. It lies between $21^0$1' N to $22^0$10' N latitude and 85^0 11' E to 86^0 22' E longitude. Administratively the district is divided into three sub divisions namely Anandpur, Champua and Keonjhar. There are 13 tehsils, 13 blocks, 286 GPs, 2132 villages in the district. As per 2011 census, the total population of Keonjhar district is 18, 02, 777. The district's male population is 9,07,135 and female population 8,65,642 . Total SC population of the district is1,81,488 whereas the ST population is 6,95,141.

Table no. 3.3.4. Keonjhar at a Glance

Particulars	**Magnitude**
No. of Sub-division	3
No. of Block	13
Total tehsil	13
No. of Village	2122
Total Population	18,20,777
ST Population	6,95,141
Population density (Person per sq km)	217
Sex ratio	987
Literacy rate	69.00%
Geographical Area (sq.km)	8303.00
Area under Forest	3097.00

(Source: census of India 2011,2001)

4.3.2 Profile of study villages

The proportion of ST population in the study villages in Koraput district is nearly 72% and as high as 98.9% in Dhenkanal. Nearly 63.2% of the population in the study villages of Keonjhar district is scheduled tribes. The percentage of Other Traditional Forest Dwellers in the study villages of Koraput, Dhenkanal and Keonjhar is 28.0%, 1.1% and 26.8% respectively.

Table 4.3.5: Profile of study Villages

1.2.4 Profile of Study Villages								
SI.No	**Dist**	**Sub-division**	**GP**	**Name of village**	**No. of Hamlets**	**No. Of HHs**		**Total Population**
						ST	**OTFD**	
1		Sadar	Gonasika	Gonasika		85	59	144
2		Sadar	Baragarh	Hatisila		76	11	87
3		Sadar	Talachampai	Upper Champai		56	1	57
4	**Keonjhar**	Sadar	Gonasika	Kadalibadi		40	14	54
Sub Total	**1**	**1**	**4**	**4**		**421**	**308(63.2)**	**113(26.8)**
1		Kamakhyanagar	Balikuma	Balikuma		600	0	600
2		Kamakhyanagar	Balikuma	Tarinipashi		440	21	440
3		Kamakhyanagar	Kankadahad	Khuribhanga		199	0	199
4	**Dhenkanal**	Kamakhyanagar	Sahala	Sahala		664	0	664
Sub Total	**1**	**1**	**3**	**4**		**1903**	**1882(98.9)**	**21(1.1)**
1		Koraput	Maliput	Khirajhola		133	53	186
2	**Koraput**	Koraput	Gunthaput	Podapadar		35	99	134

3		Koraput	Gangrajpur	Nilampadu		305	98	403
4		Koraput	Sorispadar	Dumuriguda		169	0	169
Sub Total	**1**	**1**	**4**	**4**		**642**	**250**	**892**
Total	**3**	**3**	**11**	**12**		**2966**	**250**	**892**

(Source: Field Survey)

4.3.3 State overview on FRA

4.3.3.1 Approach and strategies adopted by the State government for implementation of FRA

The implementation of FRA in the state of right earnest with formation of the bodies. The Forest Rights Committees (FRC), Sub Division Level Committees (SDLC) and District Level Committees (DLC) responsible for implementation of the Act were formed in the year 2008 within couple of months of notification of the rules. The Act has been translated in Odia language and distributed at gram sabha and FRC levels. Though as per the version of the different Govt. officials in the, state awareness programmes has been undertaken as per the provisions of the Act, the result of these awareness programmes has not reached to the target groups successfully as most of the claimants contacted at the village level are not aware of the basics of the Act. Some capacity building programmes have been organized for PRI members, and members of different institutions engaged in the process. Nearly 9.7% individual claims and 22.3% community claims are pending at different level.

4.3.3.2 Phases of Implementation

Implementation of FRA in Odisha has been relatively continuous. The committees for smooth implementation, review and monitoring of the progress as per provisions of the Act were formed immediately after the promulgation of the Act. The implementation process has been found to be more regular and vibrant in comparison to other states.

4.3.3.3 Circular, orders, guidelines and letters

As the implementation of the Act in Odisha was regularly reviewed, monitored and strived for better implementation in comparison to other study states, the number of orders, circulars,

guidelines issued by different Govt. departments is higher and have been issued at regular intervals. Offices of the Chief Secretary, Development Commissioner, PCCF, Forest and Environment Department, ST & SC Development Department and Revenue and Disaster Management Department issued several orders and instructions for effective implementation of the Act. Some of the major circulars and executive orders include instruction for constitution and functioning of different committees under Forest Rights Act, format for monthly Progress Report and documentation of the claims, organizing awareness on the Act especially in PTG areas, involving local peoples representative in title distribution, clarification regarding stage 2 clearance of pre 1980-encrochment, sensitization of DFOs/PA,ITDAs, directives for attaching sketch map and resolution of Gram Sabha with the claims etc.

4.3.3.4 State Level Monitoring Committee (SLMC)

The State level Monitoring Committee in Odisha was formed on 1st of February 2008. As per the provision of the Act, Chief Secretary is the Chairman and Director, ST & SC development department is the Member Secretary of the committee. Three ST members from Tribal Advisory Council are also member in the SLMC. The first SLMC meeting was held in October 2008.Till the end of the year 2012, the SLMC has met six times. The last meeting was held in December 2012. Thus the SLMC has been meeting and monitoring implementation at least once in a year to expedite and sort out the bottlenecks in the implementation process. The committee issued directives for wide publicity of the amendment rule, regularization of meeting at DLC and SDLC level and monitoring of the programme, new provisions of quarterly sitting of SLMC, directions on reviewing reasons of rejection etc.

4.3.3.5 Legal intervention and implication

Odisha High Court barred grant of pattas or felling of trees until further notice by an interim order on 23rd of July 2008. This was made on the basis of a petition filed by the association of retired forest officers which claims that implementation of act would lead to large scale forest destruction. The interim order of the High Court on the grant of final titles created an impression that there is a stay on implementation of the Act. However, the court later clarified that the order only barred issuing of titles and not other processes of filing claims and their verification. But the order did not restrict the process of the Act, even a petition for

complete stay on the Act was rejected by the honorable court. In August 2009, the High Court vacated its interim order and allowed for total implementation of the Act.

Retired Forest Officers Association vs. Union of India and Ors. (WP 4933/2008): *On July 1st, the High Court declined to pass any interim orders and refused the requestof the petitioners for a stay on implementation of the Act. On July 2nd notice was issued to the Central and State governments. On July 23rd, the High Court issued an interim order apparently stating that no pattas should be granted and no trees felled until the petition was finally disposed of. This order was based on and similar to the February order of the Madras High Court. On September 2nd, the High Court further clarified this order by stating that it is not staying the implementation of the Act, which should proceed up to the point of final recognition of rights.*

In subsequent hearings, the court's primary concern has been dealing with intervention applications by a large number of parties (more than 10 at present). On March 18th, 2009, the matter was heard and adjourned till it was heard again in July 2009. In March and April the State government and some other parties moved applications for vacation of the interim order. The matter was adjourned in July on an application by the petitioner, but then was heard again on July 14th after the State government moved a fresh application for vacation of the interim order. To allow the petitioner time to read the application, the matter was adjourned to July 16th, on which day the Advocate General strongly argued that the interim order was unjustified and that the petitioners had no proof that would justify their vague fear mongering. The Court reserved orders and, on August 12th, vacated the earlier interim order, following the example of the AP High Court.

Source: www.forestrightsact.com

4.3.3.6 Involvement of civil society organizations

There has been active involvement of several CSOs in the implementation process. Some of the CSOs assisted the planning and monitoring process at apex level, while others are involved in capacity building of stakeholders at different levels. Many examples of active participation of NGOs and Peoples' Networks in facilitating the IFR, CFR claim process at grassroot level is also noticed. This has contributed to relatively better implementation of the Act in some locations of the State.

4.3.3.7 Consultations, Workshops & Training

A number of workshops were organized at different levels to expedite the implementation process and rectify the gaps in implementation. Govt. is regularly organizing training programmes of district and block level functionaries for efficient and effective implementation of the act. The amendments and guidelines issued time to time is also imparted through the training at regular interval. One district level awareness programme was organized in Dhenkanal by SDLC in which nearly 500 participants from 18 Panchayats of Kankadahad Block participated. Three training programmes of concerned officials, elected representatives and members of civil society were organized on the rules, amended rules explaining the procedure and function of different authorities and intuitions made under the Act.

Awareness programmes of the officials concerned and PRI members were organized by SDLC at Koraput. Sensitisation meeting have been conducted at the district level and 14 number of sensitisation meeting have been conducted at block level on FRA.

However only a particular section of frontline government officials like Welfare Extension Officers (WEO) have received majority of the trainings.

4.3.4 Status of Claims

Table 3.3.6: Overall status of claims in the state

Particulars	**Magnitude**
No of Districts covered	30
No of Gram sabhas held	47266
No of FRCs formed	47389
Total no of individual claims filed	537079
Total no of individual claims approved by DLC	324737
Total Individual title deeds distributed	311224
ST	NA
OTFD	NA
Individual Titles to PTGs	17256
No of CR claims filed	5384
No of Community rights recognised	2879
Hectares of forest land over which rights recognised under FRA	221633.76
Post right convergence	
Land levelling	31092

Agricultural inputs	NA
Irrigation works	NA
IndiraAwaas	30298
Others	16863
Total right holders covered	78253

(Source: www.tribal.nic.in, as on 30th Nov 2012)

4.3.4.1 Time line and Trend Analysis of Claims

In Odisha, 513365 individual claims and 4524 community claims had been received by Gramsabha till the end of 2012, out of which 311224 individual titles and 954 community titles have been distributed.

Table 4.3.7: Trend of Individual Claims (2008 – 12)[52]

	2008	**2009**	**2010**	**2011**	**2012**
Claims received at GS	226080	327619	417846	486255	513365
Claims forwarded to SDLC	137362	234220	339368	396675	424943
Claims forwarded to DLC	5394	126672	253950	305620	331925
Claims approved by DLC	399	108809	245646	298496	324737
Titles distributed	--	97537	234037	286962	311224
Rejected	--	55403	100407	126606	136346

(Source: www.tribal.nic.in)

The trend of claims received in last five years is depicted in the graph. Though nearly 44% of the claims were received in the first year of implementation, the graph shows that there is constant growth in the receipt of claims at Gramsabha. Except in 2012, in which only 5.7% claims were received by Gramsabha and in all other years it was more than 10% of the total claims received till now. It is obvious that the claim making process slowed down in the fifth year.

Table 4.3.8: Trend of Community Claims (2008 – 2012)[53]

Position of Clamis	**Year**				
	2008	**2009**	**2010**	**2011**	**2012**
Claims received at GS	NA	1497	2148	2272	4524
Claims forwarded to SDLC	NA	502	1213	1403	3626
Claims forwarded to DLC	NA	171	776	971	3019

[52] Figures mentioned above are cumulative

[53] Figures mentioned are cumulative in nature. For portions mentioned as NA, no government data could be found.

Claims approved by DLC	NA	119	704	894	2879
Titles distributed	NA	52	655	794	954
Rejected	**NA**	**23**	**485**	**599**	614

(Source: www.tribal.nic.in)

The status of community claim recognition in Odisha over the period is presented in the (Table.3.3.10) As on November 2012, 4534 community claims have been received by Gram sabhas, of which 3626 claims are sent to SDLCs. Nearly 63.5% of the community claims of the total received, are approved by the DLC. The claims remanded and pending is around 23%. Nearly 13.5% of the total claims are rejected at different levels. However, these community claims include forest diversion for developmental facilities under section 3(2) of the Act as well.

Though the claims were received by the Gramsabha at regular intervals, the distribution of individual titles took momentum only after 2009. This was probably because the interim order by the High Court had stayed grant of title. Needless to say that highest number of titles (136500) were distributed in 2010, followed by 97537 in 2009. The issuing of titles reduced substantially during 2011 and 2012.

Analyzing the status of individual claims in the state it is found that nearly 52.9% of the individual claims have been approved by District Level Committees for issuance of title. However, nearly one fourth of the claims are either pending at different levels or remanded. The rate of rejection of claims is also fairly high. Around 22.3% of the total claims have been rejected due to different reason.

4.3.4.2 Rate of Recognition54

There is a great deal of variation in the claims made in the study districts. While the number of claims made in Keonjhar is as high as 54688, it is 33710 in Koraput district. The number of claims made in Dhenkanal district is comparatively low and stands at 12529. The reason behind this relates to the lesser tribal concentration and forest area in Dhenkanal in comparison to other study districts. The district wise rate of approval of individual claim is estimated and presented in the table below.

[54] Rate of recognition has been calculated as a percentage of total approved claims as against actual number of claims received

Table 4.3.9:Status ofIndividual Rights Recognition in Study Districts

Particulars	PTG	Non-TSP	TSP
Claims received	54688	12529	33710
Claims approved	39451	6109	24621
Area distributed(in acres)	37624.9	8595.04	38238.55
% approved	72.1	48.8	73
Avg. area/claim(in acres)	0.95	1.4	1.55

(Source: www.tribal.nic.in)

Table 4.3.10: Status of Community Rights Recognition in the Study Districts

Particulars	PTG	Non-TSP	TSP
Claims received	394	72	330
Claims approved	343	64	58
Area distributed(in acres)	13835.31	166.82	2780.87
% approved	87.1	88.9	17.6
Avg. area/claim(in acres)	40.3	2.6	47.9

(Source:* www.tribal.nic.in*)

4.3.4.3 Claims Approval and Rejections at different level

Table 4.3.11: Individual Claims Approval: State and Study District Level

Status of Claims	Area			
	Keonjhar	Dhenkanal	Koraput	State Total
No of claims verified by FRC and send to G.S	54688	12529	39451	613386
No. of claims verified by G.S and subsisted to SDLC	42286	12529	6109	424943
No of claims verified by SDLC and subsisted to DLC	12972	6109	24621	331925
Finally approved for titles by DLC	12880	6109	24621	324737

(Source: www.tribal.nic.in)

As could be observed from the table above, the rate of approval of claim is found to be comparatively less (48.8%) in Dhenkanal (Non-TSP) district. The district is having low ST population and less area under forest in compassion to other two, the approval rate is also low. The approval rate is almost same (73%) in Koraput (TSP district) and 72.1% in Keonjhar (PTG district).

Titles have been issued to nearly 60.6% of the individual claims received. But in contrast to this, nearly 21.1% community claims received have been issued titles. Out of total 954 community claims settled, 376 (39.1%) titles have been issued for developmental facilities under section 3(2).

Table 4.3.12: Individual Claim Rejections: State and Study District Level

Areas	No. of Rejected cases	Level of rejection			
		G.S	SDLC	DLC	Total
District 1 PTG - Keonjhar		12402	2835	0	15237
District2 N-TSP - Dhenkanal		0	5078	0	5078
District3 TSP - Koraput		0	0	0	0
State Total		**74318**	**60744**	**1284**	**136346**

(Source: www.tribal.nic.in)

The rejections of claims are made at different levels starting from Gram sabha to DLC. It is observed that the higher, the level of committee, the lower has been the rejection rate. It is obvious that most of the verifications and scrutiny have been made at the lower level i.e. Gram sabha and SDLC. This has further reduced chances of rejection at DLC level. An analysis of rejection of claims is presented in the table above (Table 3.3.12). Nearly 54.5% of the rejections are made at Gram sabha level, while it is 44.5% at SDLC level. Only 1% of the total claims have been rejected at District level.

4.3.4.4 Community Claim: Approval at different level (State and Study Districts)

The table below depicts the variations in community claims received, claims approved and area allotted to the claimants in the studied PTG, Non TSP and TSP districts of Odisha.

Table 4.3.12: Community Claim Rejections: State and Study District Level

Table.no.1.8. Level of rejections: Study district & state level (community Claims)				
	Level of rejection			
	G.S	SDLC	DLC	Total
Keonjhar	21	18	0	39
dhenkanal	0	0	0	0
Koraput	NA	NA	0	0

Sub Total	21	18	0	39
State Total	466	148	0	614

(Source: www.tribal.nic.in)

As could be observed from the table above, the rate of approval of community claims is high in Keonjhar and Dhenkanal districts while it is comparatively low in Koraput district. Only 17.6% of the community claims have been approved in Koraput district compared to 88.9% and 87.1% in Dhenkanal and Keonjhar respectively. However average area recognised per claim in the study district gives a contrasting picture. It is found that only 26 acres on average has been recognised in Dhenkanal district whereas this is 47.9 acre for Koraput and is around 40.3 acres in Keonjhar district. However the government data in this regard does not reflect a real scenario as it also includes information on titles under section 3(2) of the Act that relates to diversion of forest lands for developmental purposes. It is pertinent to note here that nearly 55% title given for community claims are for developmental activities under section 3(2) of the act. In Keonjhar out of the total 331 community titles distributed, 205 (61.93%) are for developmental activities. In Dhenkanal it is as high as 37 (80.43%) out of 46 community title issued. However, no community title issued in Koraput is for developmental activities under section 3(2).

Table 4.3.13: Community Claims: Rejections at different level (State and Study Districts)

Particulars	Keonjhar	Dhenkanal	Koraput	State Total
No of claims verified by FRC and send to G.S	382	68	99	4534
No. of claims verified by G.S and subsisted to SDLC	361	68	99	3626
No of claims verified by SDLC and subsisted to DLC	343	60	99	3019
Finally approved for titles by DLC	343	60	58	2879

(Source: www.tribal.nic.in)

The status of rejection of community claim at different levels is also depicted in the table above (Table no:). Nearly three fourth of the claims rejected are at Gram sabha level and the rest one fourth are at SDLC level. There is no rejection at the DLC level. But this is pertinent

to note here that almost all the claims rejected relates to community rights and community forest resource rights and not the rights under Section 3(2) of the Act.

4.3.4.5 Average area under Claim

Average area claimed and approved for title per claimant is estimated and presented in table given below (Table-----). It is found that there is no difference between average areas claimed and average area approved. The estimation shows that both the area claimed and area approved per claimant is 1.60 acres. This indicates that there has not been any reduction in the area claimed in issuing the titles.

Table 4.3.14: Average Area Recognised per Claim (in acre)

Table 2.4. Average area recognised per claim (in acre)		
Particulars	**Individual**	**Community**
State Average	1.6	79.98
Study Districts		
Keonjhar	0.95	40.3
Dhenkanal	1.4	2.6
Koraput	1.55	47.9
Average of Study Districts	1.3	30.29

(Source: www.tribal.nic.in)

The status of average area recognised per claim is also mentioned in the table above. It can be observed that in Koraput district the average area allotted per claimant is found to be high (1.55 acre) in comparison to other study districts. While the area allotted per claimant in Keonjhar district is found to be less than one acre (0.95 acre) it is 1.4 acre in Dhenkanal district. In Sahala and Balikuma villages of Dhenkanal district the claimants complained that they have received titles for much lesser area of land than what they had claimed to be in their possession. In most of the villages, there is no clear cut demarcation of land as per the given title. The respondents of the study villages reiterated that though they have received title marked with an area, most of which are not tallying with the amount of land claimed, the boundaries mentioned are also not clear. This has also been observed in both Koraput and Dhenkanal district.

4.3.5 Implementation of FRA in study Districts: Narrative Analysis

4.3.5.1 Committees at Different Levels:

Constitution of Forest Rights Committee (FRC)

Necessary notification regarding reconstitution of FRCs has been issued by the tribal welfare department immediately after promulgation of Amendment Rules 2012. It is observed that FRCs has been reconstituted in the sample study villages. Names of the new FRC members have been added to satisfy the norms as mentioned in the amended rules. As there was no Palli sabha organized to reconstitute the committee, most of the claimants, even the members of the committee, were unaware of the new members and reconstitution.

In Dumuriguda village of Koraput District, Panchayat Executive Officers (PEO) and Sarpanch selected four persons as member of FRC even without their knowledge. There was no formal PalliSabha conducted in the revenue village for formation of FRC. No meeting of FRC has been conducted even once after formation. Most of the FRC members are also not aware of their membership in the committee. The situation is similar in other study villages of the district. In study villages of Dhenkanal Panchayat Executive Officer suggested the name of the FRC members in the Pallisabha. Even most of the members selected were not present in those pallisabhas. In all the study villages of Keonjhar district a similar pattern of FRC formation was found. While gramsabhas have been held to constitute FRCs, it never met and only the Presidents have been to found to be involved in the claim making process. Consequently other members are hardly aware of the committee and their roles and responsibilities. Our interactions with FRC members suggested that they have received no support from the district administration, nor they have received any financial support to maintain records. Gonasika FRC members complained that the president never consulted and informed them during claim making process and influenced the process for his own benefit and got more FRA land then the fellow villagers, Though subsequently the president rubbished those charges but analysis of data revealed that not only he has more land than other but he has also got two tittles. when later asked to the President (who was not present in the FGD) he rubbished all these charges but it was found during data collection that he got more FRA land then the fellow villagers(two individual right patta which was rare in the study villages).

FRC reconstitution

The study attempted to gauge the awareness level of the claimants on FRC and its reconstitution which is presented in the table below:

Table 4.3.15: Claimants' awareness regarding FRC

Sl. No.	District	Awareness regarding constitution of FRC			Awareness regarding Re-constitution of FRC		
		Aware	Not aware	Total	Aware	Not aware	Total
1	Keonjhar	70	0	70	5	65	70
2	Koraput	82	0	82	0	82	82
3	Dhenkanal	70	0	70	2	68	70

(Source: Field Survey)

As can be observed from the above table, the claimants are found to aware of Forest Rights Committee and know that the committee is formed to facilitate the rights recognition process. But very few of the respondents know about the reconstitution of FRCs as per amended rules of 2012. Only 5 (%) respondents out of 70 in Keonjhar and 2 (%) out of 70 respondents in Dhenkanal are aware of the provision regarding reconstitution of FRC. It is pertinent to note here that none of the respondents were aware about reconstitution of FRC in Koraput. The FRCs were found to be constituted at the revenue village level taking representation from the hamlets. In all the study villages, respondents who are not members of FRCs, failed to recall the names of the FRC members. This shows the low level of awareness among local communities. Even most of them could not recall the names of the president and secretary of the committees.

Constitution of Sub Divisional Level Committee and District Level Committee

In Dhenkanal, District collector is the Chairman of the District Level Committee and District Welfare Officer is the member secretary. DivisionalForest Officer is also a member in the

Committee. There are three PRI members in the committee out of which one is women. Out of the six members two are Scheduled Tribes, while others are non scheduled tribes.

The Sub Divisional Level Committee headed by the sub-collector consists of six members, out of which three are PRI members. There are only two ST members in the committee leaving all others from Non- ST category. Only one women PRI member is there in the committee.

The District Level Committee in Koraput consists of six members out of which 3 are PRI members. One of the PRI members is a woman. The number of Scheduled Tribe members in the committee is three. The committee is headed by the Collector of the district. Other official members are Divisional Forest Officer, Project Administrator, ITDA and District Social Welfare Officer. Sub Collector is the chair person of the Sub –Divisional Level Committee in Koraput. The other official members in the committee are the Assistant Conservator of Forest, Special Officer, ITDA, Koraput and all Tehsildars in the Koraput sub-division. Apart from that three Panchayat Samiti Members (all are STs) are also form the part of the committee. One of these Panchayat Samiti Members is a woman.

The District Level Committee in Keonjhar consists of 3 Zilla Parishad Members apart from the other official member of the district. Out of these three PRI members two belongs to Scheduled Tribe Community. All the PRI members in SDLC in Keonjhar are ST out of which one is woman.

Key Issues:

- There is a very low awareness level among the FRC committee members and right holder regarding the process of claim and rules related to it.
- Active participation of Revenue and Forest department officials in functioning of SDLC and DLC is found to be missing.

Regular meetings of DLC were held after its formation in the year 2008 in Dhenkanal district. Three DLC meetings were organized (Date 29-04-2011, 25-07-2011 and 06-10-2012) in last two years where the individual and community claims recommended by the SDLC were discussed and approved for distribution of titles. In depth review of the implementation of the act was also made in the meeting and MPR is sent to the Government regularly. The SDLC

was formed on 29th of March 2008. In total, 19 meeting of SDLC was organized since its formation at an average of 5 meetings per year.

As reported by one of the Officials of DLC, the meeting of DLC and SDLC were regular. But a detail on the number of meeting held since formation could not be obtained.

Process and Approach Adopted for Filing, Verification and Recordings of claims

4.3.5.2 Individual Claims

Call for claims by Gram Sabha : The claimants came to know about invitation for filing claims through different sources. In Nilampadu village of Koraput district the primary school teacher informed the villagers to apply for patta of their forest land. People collected application forms from the nearest photocopying centre at Pottangi. The school teacher and some village youths have supported in filling up the forms. Then the applications were submitted at panchayat office. The claimants of Dumuriguda village approached SDLC for submission of the filled in forms, but the SDLC advised them to deposit the forms at Panchayat office. The claimants deposited it at Panchayat office. In none of the study villages the call for claims were made by Gramsabha. It was observed that gramsabhas has not played any distinctive role in creating awareness for call for claims (Table-10). In two study villages of Dhenkanal while the information about claim making were given by the Sarpanch, in Tariniposhi and Sahala it was informed by one of the members of the FRC. The forms were supplied through the concerned GPs. It is evident that the process mentioned in the Act has not been followed in most of the cases.

Table 4.3.16: Total claims made vis-à-vis total claimants in study villages[55]

District	Village	Potential Claimants	Total Claims	Approved	Distributed
District 1 PTG - Keonjhar	Gonasika	NA	62	62	61
	Hatisila	NA	50	50	49
	Upper champai	NA	62	62	61
	Kadalibadi	NA	42	43	43
Sub - Total		NA	173	173	NA
District2 N-TSP - Dhenkanal	Balikuma	NA	140	140	NA
	Khuribhang	NA	34	34	NA

[55] Information in this regard was not available

	Tariniposi	NA	137	94	NA
	Sahala	NA	178	76	NA
Sub - Total			489	344	NA
District3 TSP - Koraput	Khirajhola	NA	52	52	NA
	Nilampadu	NA	46	46	NA
	Podapadar	NA	9	9	NA
	Dumuriguda	NA	40	40	NA
Sub - Total	12	NA	147	147	NA
Total	12	NA	809	664	NA

(Source: Field Survey)

Submission of claims at FRCs and acknowledgment: Claims are supposed to be submitted to FRCs which would then process the claim. However none of the claimants in the study villages of Koraput district reported submission of claims to FRCs. Instead the claims were submitted either to PRI member or at Panchayat office. In Dhenkanal some of the claimants submitted the forms to a member of FRC, who submitted it to gram panchayat. The claim process was facilitated by school teachers, PRI members, village youths and in some cases FRC members. School teachers have played a major role in facilitating the process in Koraput. It is important to mention that no acknowledgement was provided to the claimant nor did the claimants retain a copy of the claims. The table-14 gives the picture relating to submission, acknowledgement and retention by claimants.

Evidence used in the claim process : As it is found from the study villages of Dhenkanal, the evidences cited for claim include versions of old aged persons and caste certificate of ST communities. In the study villages of Koraput district, it is revealed that while filing individual claim support documents like voter ID card and joint verification report is also deposited to the Sub-Divisional Level Committee. Apart from residence proof, forest enquiry committee report has also been provided as evidence in study villages of Keonjhar district.

Recording of claims by FRC : The claims are not recorded at the FRC level. No such list was available with FRC in any of the study districts.

Verification and Mapping : In Dhenkanal and Koraput district, the RI intimated the claimants about joint verification 2-3 days in advance. No formal notice was issued by either FRC or GP for joint verification. One RI came and verified the claims made by the villagers. Only in Sahala village of Dhenkanal district the Forester was present along with the RI. In other study villages there was no presence of any forest officials at the time of joint

Box No. 4.1.

Flawed joint verification:

Kadalibadi village in Gonasika gram Panchayat of Keonjhar district is inhabited by 45 households belonging to the Juang tribe and 14 households who are other traditional forest dwellers. Shifting cultivation in forestlands adjoining their habitation is the major source of livelihood. Traditionally the area under shifting cultivation used by the village is divided into seven patches. Of these four patches were plantation was done under CAMPA in the year 2005. These patches were considered to be best for shifting cultivation. Post FRA, 43 Juang households applied for individual forest rights in the year 2008 & 2010. Most of the claims were in the Baighayatal patch considered good for shifting cultivation, in close proximity to their habitation and under their de facto possession. But due to faulty verification, none of the households got recognition over land which was under their actual possession. Instead they were allotted land in a limited area outside the afforestation patch. Table.4.1.1. gives the picture of five claimants and which clearly reveals that in all cases there is no connection between the claims made and lands recognised in favor of claimants.

Table.4.1.1. Sample claimants of Kadalibadi village

Claimant	**Land Possessed in acre**	**legal Classification of landunder posession**	**Land got under FRA in acre**	**legal Classification of landrecognized under FRA**	**Plot Number**	**Percentage of actual allotment to area of land possessed**	**Accuracy Percentage**
BhagabatiJuang	2.85	*Parvat 2*	.70	*Parvat 2*	100/231/6	25%	0
KeshavJuang	2.68	*Parvat 2*	1	*Parvat 2*	115/7	35%	0
PanchuJuang	1.95	*Parvat 2*	.70	*Parvat 2*	106/231/15	36%	0
AnandaJuang	2.10	*Parvat 2*	1	*Parvat 2*	115/6	48%	0
ChandraJuang	3.26	*Parvat 2*	.60	*Parvat 2*	231/2	18%	0

verification. Joint verification was as a procedure was found to be maintained in all the study villages of Dhenkanal and Koraput. It is noteworthy to mention here that a rough sketch map of the boundary is prepared by the concerned claimants and attached to the claim form. The situation is comparatively worse in Keonjhar as prior intimation of joint verification was given to only claimants of only one village out of the four villages studied. Only the RI enquired about the status of the claims made in the village. Officials/representatives from forest department were also not present in the enquiry

Table 4.3.17:Level of status of prior information to claimants regarding physical verification of claims[56]

Sl. No.	District	Total No of sample claimant	No. intimated about verification of claims
1	Dhenkanal	NA	NA
2	Keonjhar	82	43
3	Koraput	NA	NA

(Source: Field Survey)

Approval by Gram Sabha and recommendation to SDLC : After field survey and verification, pallisabhas were held for recommending the claims to SDLC. It is noteworthy to mention here that all the cases claimed in Koraput and Dhenkanal district are approved at pallisabha and sent to SDLC in the study villages, However in keonjhar it was found from the study villages all the claimant of a particular village has been informed about the date of physical verification whereas only 43(53%) claimant has recalled about it out of 82 claimant.

Table 4.3.18: District Approval Rate[57] **vs. Approval Rate in Study Villages**

Average approval rate at State level	Study Districts	Avg. approval rate	Average approval rate in study villages
52.94	Keonjhar	72.138	100
	Dhenkanal	48.75	100
	Koraput	80.11	70.34

(Source: www.tribal.nic.in)

Recently, the district administration has given power to the block administration to collect the applications and verify in their level then send to the SDLC however in case of study villages in Keonjhar, the whole claim making process has been facilitated by a local NGO (Banabasi Chetana Mandal, Gonasika) who collected claims with few Gram sabha members and two to three members from FRCs. This was followed by verification process carried out by the team including revenue official, FRC members & members of Gram Sabha. However, in the verification process complete work was not done. For patches of land that were verified, the claimants were subsequently not informed about the area measured and in most cases, it has been done only for a single patch per claimant and not all of them that were

[56] Information is this regard was not available
[57] No. Of claim approved at DLC against No.of claim receive at G.S

under the occupation of the claimants. They were told by officials that those patches would be verified at a later stage which never happened. When these kinds of issues were raised with few members of SDLC & DLC they suggested that concerned persons can apply separately for remaining patches and also admitted to shortage of skilled human resources leading to processes being compromised. One forest official suggested that the nature of title does not give them complete ownership over the land and may not lead to their empowerment. He further suggested that no clear data is available regarding the area of forest land recognized making things really complicated and difficult and expressed ignorance about the issue of forced plantation over forest lands of Juangs (e.g. Kadalibari village) which they have been cultivating.

Modification, Rejection and Appeal : The rejection rate in the state is as high as 26 %. However, it varies widely from district to district. The following table gives the picture in the three study districts.It is revealed from table above that rejection of individual claims in districts like Keonjhar and Dhenkanal is 27.9% and 40.5% respectively. The reasons cited for high rejection are absence of requisite evidences. It is noteworthy to mention here that not a single case has been rejected in TSP district like Koraput. No community claims has been rejected in the Koraput and Dhenkanal districts, nearly 10% of the community claims have been rejected in Keonjhar.

Box No. 3.1. Threatened rights in potential mining areas

The Bhuiyan PTGs claimants of Nitigotha village under Talakaisari gram panchayat face an uncertain future. They do not know whether their claims under FRA would be recognised at all. During a meeting with the claimants and villagers it was revealed that they submitted their claims two years back; yet they are kept pending. The village is located in the foothills of the Gandhamardan Hill. Most of the claims were on lands located in the hill slopes. MsSakuntalaDehuri, SDLC member, Keonjhar SDLC has raised this issue many times in their meetings. But government representatives of SDLC have always ignored the issue. However she admitted that she has never complained in writing. Villagers believe that they are being denied titles as their claims are in the Gandhamardan hill which is a mining lease area under Odisha Mining Corporation. They pointed out that the claims of neighboring village Talakaisari have been recognised and claimants have received titles over the lands under possession as the same was not coming under the Gandhamardan hill area.

Table 4.3.20: Level of rejections study district & state level (Individual Claims)

District	No. of Rejected cases	Level of rejection			
		G.S	SDLC	DLC	Total
PTG - Keonjhar		12402	2835	0	15237
TSP - Dhenkanal		0	5078	0	5078
TSP - Koraput		0	0	0	0
State Total		**74318**	**60744**	**1284**	**136346**

(Source: www.tribal.nic.in)

The major reasons of rejection as cited by officials of SDLC and DLC are;

- OTFDs lacking evidence to prove 75 years of residence
- Non possession of ForestLand
- Occupation after 13th December, 2005 as mandated by the Act.

The above table depicts the rate of rejection at different level in the study district. As cited above there is no rejection of claims in Koraput district. It is evident from the fact that instances of individual claims being rejected at Gram sabha level is found in Keonjhar district only. In Keonjhar, 81.4% of the claims are rejected at Gram sabha level; nearly 18.6% of the individual claims are rejected at SDLC level. There is no incidence of rejection at DLC level in all study districts. However, it is noteworthy to mention here that in Dhenkanal district, all rejections have been made at SDLC level only.

Table 4.3.21: Status of rejected and pending claims in study villages

District	Village	No. Of Rejected cases	Level of Rejection			
			G.S	SDLC	DLC	Total
District 1 PTG - Keonjhar	Gonasika	0	0	0	0	**0**
	Hatisila	0	0	0	0	**0**
	Upperchampai	0	0	0	0	**0**
	Kadalibadi	0	0	0	0	**0**
Sub - Total		**0**	**0**	**0**	**0**	**0**
District2 N-TSP - Dhenkanal	Balikuma	0	0	0	0	**0**
	Khuribhang	0	0	0	0	**0**
	Tariniposi	43	16	27	0	**0**
	Sahala	102	0	102	0	**0**

Sub - Total		**145**	**16**	**129**	**0**	**0**
District3 TSP - Koraput	Khirajhola	0	0	0	0	**0**
	Nilampadu	0	0	0	0	**0**
	Podapadar	0	0	0	0	**0**
	Dumuriguda	0	0	0	0	**0**
Sub - Total		**0**	**0**	**0**	**0**	**0**
Total		**145**	**0**	**129**	**0**	**0**

(Source: www.tribal.nic.in)

Rejection of individual claims was found in two study villages of Dhenkanal district. One is in Tariniposhi and the other one is in Sahala, but in both the cases neither the claimants nor the FRC members are aware of the reasons for rejections. As reported by one of the FRC members, reason of rejection of 17 members in Tariniposhi village has been due to want of voter identity card. The OTFDs claim (5) in Tairiniposhi village was rejected on the basis of having no evidence cited for their stay in the village for three generations. The rejection rate is noticed very high in Sahala village, which is around 60%. However as the claimants are ignorant about the status of their claims, they consider these cases as rejected and some of them have claimed afresh.

The titles are distributed in the presence of the MPs, MLAs, PRI members, sub collector, BDOs and Tahsildar of the concerned area. Steps are yet to be taken for publication of final records of forest rights in Koraput.

Post Claim Support and Convergence: The status of convergence and post claims support to rights holders are presented in the table below:

Table 3.3.22: Status of coverage of titleholders under different convergence initiatives

Districts	**Study Villages**	**Distributed Title (nos.)**	**Type of convergence initiative**					
			IAY	**Mo Kudia**	**Mo Pokhari**	**Land Development under MGNREGA**	**Others**	**Achievement Rate**
			% of title holders covered	**% of title holders covered**	**% of title holders covered**	**% of title holders covered**	**% of title holders covered**	

Keonjhar		38728	12065	776	266	N.A	9683	58.84
	4 villages	NA	NA	NA	NA	NA	NA	NA
Dhenkanal		5550	1813	3	852	40	N.A	48.79
	4 villages	NA	NA	NA	NA	NA	NA	NA
Koraput		23512	5969	58	429	4105	2229	54.39
	4 villages	NA	NA	NA	NA	NA	NA	NA
State Total		**311688**	**87729**	**3408**	**4802**	**39610**	**22516**	**50.71**

(Source: www.tribal.nic.in, Field Survey)

The convergence is made with programmes/schemes like Indira Awas Yojana, Mo Kudia, Mo Pokhari, MGNREGS, National Horticulture Mission and National Bamboo Mission. The nature of support includes houses, irrigation, land development and horticulture. As can be observed from the table above, more than 50% of the title holders in the state have been provided post claim support through different programmes. Majority of the right holders are supported through IndiraAwasYojana followed by land development under MGNREGS. In Koraput, maximum number of right holders have been supported through land development in the study districts. However this is yet to be initiated in Keonjhar. Land development has been taken up under MGNREGS on lands over which rights have been recognised. Convergence through NHM has been found only in Koraput among the study districts. No such post claim processes or convergence have been made in the CFR claim areas, but the district administration has been planning for coffee plantation in CFR patches under OFSDP for income generation and forest protection in Koraput district. However it is doubtful if such decisions have been made with proper involvement of local right holder.

Status of convergence in the study villages was found to be very unclear. The title holders are not aware of the programmes and treat these as normal developmental in. This implies that though the district and block administration treat certain programmes as convergence for right holders under FRA, the titleholders have no knowledge of these programmes.

4.3.5.3 Community Rights

Process and Approach Adopted for Filing, Verification and Recordings of Community Rights : Initially, the FRA implementation was centered on individual claims and there was little focus was on claiming community rights.

The status of community claims in the sample study villages is very low as out of 12 villages only in 3 villages, communities have claimed community rights of which two of the villages, claims are pending at SDLC level. In other villages of Koraput district, they are not even aware of community rights. No CFR claim has been made in the study villages of Dhenkanal district.

Table 4.3.23: Status of Community Claim in study villages

Village	CFR status
Balikuma	No CFR Claim
Khuribhang	NO CFR claim
Tariniposi	No CFR Claim
Sahala	NO CFR claim
Khirajhola	1 applied for 85 acres, pending at SDLC Level
Nilampadu	1 applied for 89 acres, pending at SDLC Level
Podapadar	No CFR claim
Dumuriguda	No CFR claim
Gonasika	No CFR claim
Hatisila	1 applied for 13.13 acre, approved at DLC
Upper Champai	No CFR claim
Kadalibadi	No CFR claim

(Source: Field Survey)

However, as none in the sample villages of Dhenkanal has made community claim, it was attempted through the study to know the status of the community claim approved in a non-sample village, i.e. Kankana in Raibol G.P of Kankadahad block. The villages had claimed CFR rights over 17 acres of forest protected and conserved by them. The title has been issued to the community for the same quantum of land. It was revealed that recently the WEOs in Dhenkanal district have issued community claim forms in the villages which have expressed their interest for the same. The form has been issued in one of the study villages, Sahala, for claiming rights over common water bodies in the forest. This shows a positive trend towards community claim process.

In case of community claims, the documents attached with a filled in form includes handmade sketch map, written declaration of an elderly person, Gramsabha minutes and joint verification report. In almost all the villages the rough sketch map is drawn by the villagers excepting one of the sample villages where a sketch map of the demarcated boundary was prepared by the Revenue Inspector. The FRC does not have any records of community claims. The only recorded document available is copy of Gram Sabha resolution with the Gram Panchayat in Koraput.

Following documents have been commonly found to be provided with the claims for community rights:

- Handmade sketch-map
- Filled up form-B
- Written declaration of elder person
- In some cases RI prepared the sketch map with boundary demarcation
- Joint Verification Report
- Gram sabha minutes

4.3.6 Process and Approach Adopted for Filing, Verification and Recordings of PTG Habitat Rights

4.3.6.1 Claim making over their Habitat: A case of Juangs of Keonjhar

FRA provisions on Habitat right recognition:Forest Right Act under Section 3(1) (e) recognizes rights including community tenures of habitat and habitation for primitive tribal groups and pre- agricultural communities. The process ofdetermination of rights and claim making provided in the rules prescribes a special procedure to deal with therights of PTGs. Rule 12 (d) provides that claims from members of a PTG fordetermination of their right to habitat can be made through their community or traditionalcommunity institution and that the FRC has to ensure that the claims are verified when suchcommunities or their representatives are present. Rule 12B, process of Recognition of Community Rights states "*The District Level Committee shall, in view of differential vulnerability of Tribal Groups as described in clause (e) of sub-section 3 amongst the forest dwellers, ensure that all Particular Vulnerable Tribal Groups and their claims for habitat rights are filed before the concerned Gram Sabhas, wherever necessary by recognition of floating nature of their Gram Sabhas*." Further

Rule 8 (b) requires the DLC to examinewhether claims from the PTGs have been addressed as per the objectives of the Act.

Odisha has the distinction of having the largest number of PTGs (13) among all the States of India and the Juang of Keonjhar District are one among them. It is the only community which has filed a claim for their habitat right under Section 3(1) (e) in the year 2010 but their claim pending till now

This case study documents the nature and extent of habitat rights, the process followed by the Juang for claiming their habitat rights over three Pirha[58] out of a total of six pirha,[59] the present status of the claim and what can be done to ensure recognition of Habitat rights. The case study is based on focus group discussion with the community leaders and government officials of the ST & SC development department (PA-ITDA, WEOs, Micro-Project officials), and on secondary information and documents.

Nature and extent of habitat rights : The Administrative set up of Juangs of Keonjhar was divided into Pirhas which are their traditional territorial unit. As narrated by the Juangs, the Pirha as administrative units were recognized by the kings for management and collection of revenue from the area. The villages of a particular clan in close vicinity (group of neighboring villages) were clubbed under one pirha and in due course of time the pirha became the traditional territorial unit of the Juang. But over the period due to cultural devolution of clan to biclan and multiclan, the village that represented a particular clan now have multiple clans. The village with formally recognized territory determined by the community based on the clan (earlier time each village represents a different clan but now they have multiple clan). Within the delineated customary boundary each villagepossessed land and practice shifting and settled cultivation as well as use the forest based resources for their livelihoods as well as cultural practices. The customary boundary of the village was identified by the community with the help of physical attributes or physical landmarks like hillocks, rivers/streams, trees etc and any resources used by the neighboring village/s is based on mutual consent and principles set by the villages. The traditional village's council consists of mainly three traditional leaders: Clan Head, Dehuri and Dakua. The Clan head is the secular headman of the village and the Dehuri is the village priest whereas dakua was the village postman. The offices of the traditional leaders are non-hereditary and earlier time they

[58] "Pirha" a local word use by Juang means their customary Habitat/territory
[59] Juang territory was traditionally divided into six different Pirha.

were selected by the community and later on the process was being in influenced by the ruling King

As mentioned above, a group of neighboring villages form a pirha and the Juang pirha consist of six sub pirha. Each pirha is headed by a Pradhan (also sometime referred as sardar) who is selected by the Juang community and sometime the ruling king also influenced the processes narrated by the Satkhand pirha sardar Dasarathi Juang The sardar takes all the important decisions regarding the pirha and decides inter village conflicts.

The entire JuangPirha consists of 6 Sub Pirhas as mentioned earlier. The list of Pirha and the list of villages comprising each Sub Pirha are listed below (Table No:.)The list has been prepared on the basis of Juang and BhuiyanPirha settlement records (obtained from district record room) which were verified during the focus group discussions with the community leaders.

Nature, extent and importance of their habitat: What the Juangs have to say?[60]

We don't understand the administration system of the government. They have lots of restrictions. Most of the land under Pirha has been brought under the control of the government (Revenue and Forest) departments. Initially during the Pirha system we had rights over all the resources coming under the Pirha. We practice shifting cultivation. We have the flexibility to cultivate land as much as we can and also wherever we can and we have the rights over all the forest resources. We had lots of freedom in those days and individual ownership system was not there. We own resources in common. Even the king issued patta in the name of the PirhaPradhan and not to individual people in those days. But according to the king's revenue system we had to pay tax in kind and provide service to the king but now a day we feel like we don't have rights over anything. What will we do with these small patches of land which you were distributing under FRA? We practice shifting cultivation here every third year we move on to a different patch of land to cultivate while leaving the present cultivation patch to regenerate which is good for the health of the forest. Your individual FRA titles are restricting us to keep on cultivation on a single patch of land which is not good for the forest eco system and also there is no certainty when a mining company will come and we will get displaced in the name of

[60] This is a translation of the original statement made by DasrathiJuang, an ex-Sardar (traditional leader) of the Junags

development which will certainly not include us as experienced from our past experiences.

We want our traditional Pirha rights back. If you are really concerned about our development then your 1 Rs rice was not needed. Just recognise our Pirha rights and restore the freedom which we enjoyed. That will be enough. We know how to manage our resources. We know how to manage our forest because we belong to this place since time immemorial. Even before the inception of civilization we are preserving our habitat. What I saw from the last 9 decades of my life, the existence of forest is not threatened by us or the practices that we have like Podu /shifting cultivation but by the government which you belong to. I have seen many places in Keonjhar since last nine decades but the changes that took place during the last 4 decades are horrible. We have lost most of the green cover. As I saw it is your government who is responsible for it, if we cut one tree or kill one animal once in a year during a festival as per our tradition. you book us under several laws and put us behind bars. But, what about the companies who are destroying the whole forest having thousands of trees and animals just to extract minerals? Where does the law go when they do this? Are the laws only for the poor like us?

We will be living happily only when we get our freedom back and our right over our Pirha back.

Table3.3.24: Village list of Satkhand Pirha

Village	G.P	Block (P.S Number)	JDA/Non JDA	Pirha	Area of the village in acres
Gonasika	Gonasika	Kanjapani(104)	JDA	SATAKHANDIA	2378.95
Guptaganga	Gonasika	Kanjapani (105)	JDA	SATAKHANDIA	2865.47
Jantari	Gonasika	Kanjapani (108)	JDA	SATAKHANDIA	1177.54
Raidiha	Gonasika	Kanjapani (99)	JDA	SATAKHANDIA	789.10
Baitarani	Karangadihi	Kanjapani (102)	JDA	SATAKHANDIA	644.54
Kadalibadi	Gonasika	Kanjapani (103)	JDA	SATAKHANDIA	702.32
Goliabandha raidiha	Gonasika	Kanjapani (107)	NON JDA	SATAKHANDIA	714.25
Talabaitarni	Gonasika	Kanjapani (106)	NON JDA	SATAKHANDIA	146.41

(Source: Field Survey, setellement record)

Table 3.3.25: Village list of JharkhandPirha

Village	G.P	Block (P.S Number)	JDA/Non JDA	Pirha	Area of the village in acres
Sinkulapada	Gonasika	Kanjipani(98)	NON JDA	JHARAKHAND	1237.98
Talapada	Kuanar	Kanjipani(97)	JDA	JHARAKHAND	1685.64
Kanjipani	Kuanar	Kanjipani(96)	JDA	JHARAKHAND	1977.13
Budhighar	Gonasika	Kanjipani (100)	JDA	JHARAKHAND	1277.92
Dumuria	Barhagarh		JDA	JHARAKHAND	1620.99
Phulabadi	Barhagarh	Kanjipani(101)	JDA	JHARAKHAND	925.91
Panasanasa	Kuanar	Kanjipani (95)	JDA	JHARAKHAND	3551.70
Hatisila	Barhagarh	Pandapasha(4)	JDA	JHARAKHAND	1230.01
Saria	Barhagarh	Pandapasha(12)	JDA	JHARAKHAND	2263.45
Bali	Barhagarh	Kanjipani (94)	JDA	JHARAKHAND	2075.51
Bankuda budhakhaman	Barhagarh	Pandapasha(6)	NON JDA	JHARAKHAND	506.13
Nadambansdiha	Barhagarh	Pandapasha(11)	NON JDA	JHARAKHAND	1489.14
Jamudiha	Barhagarh	Kanjipani (96)	NON JDA	JHARAKHAND	1718.90
Baragarh	Barhagarh	Pandapasha(8)	JDA	JHARAKHAND	5613.81
Kuanar	Kuanar	Kanjipani (84)	NON JDA	JHARAKHAND	6404.12

(Source: Field Survey, setellement record)

Table 43.26:Village list of KathuaPirha

Village	G.P	Block (P.S Number)	JDA/Non JDA	Pirha	Area of the village in acres
Medinipur	Talakainsari	Sadar(123)	NON JDA	KATHUA	2076.15
Talachampei	Talachampei	Sadar(188)	JDA	KATHUA	1343.93
Rugudi	Talachampei	Sadar(184)	NON JDA	KATHUA	413.98
Badaraduan	Talachampei	Sadar(185)	NON JDA	KATHUA	749.14
Kodipasa	Kodipasa	Sadar(230)	NON JDA	KATHUA	734.18
Sarukudara	Talachampei	Sadar(186)	NON JDA	KATHUA	1045.57
Pandadar	Bayakumutia	Sadar(217)	JDA	KATHUA	1789.39
Uparasamatha	Talachampei	Sadar(187)	NON JDA	KATHUA	529.51
Uparakaipur	Talachampei	Sadar(221)	NON JDA	KATHUA	684.04
Tangarpada(Kha)	Kodipasa	Sadar(222)	JDA	KATHUA	3255.19
Sanaraduan	Talachampei	Sadar(228)	NON JDA	KATHUA	1158.92
Uparachampei	Talachampei	Sadar(220)	JDA	KATHUA	2699.16

Bayakumutia	Bayakumutia	Sadar(218)	JDA	KATHUA	2543.22
Chempei	Talachampei		JDA	KATHUA	190.46
Kundei	Kodipasa	Sadar(227)	JDA	KATHUA	1611.87
Talasamatha	Barhagarh	Sadar(223)	JDA	KATHUA	1281.11
Mundala	Bayakumutia	Sadar(219)	NON JDA	KATHUA	702.06
Ghungi	Kodipasa	Sadar(226)	JDA	KATHUA	895.96
Kanthadas	Bayakumutia		NON JDA	KATHUA	1101.24
Toranipani	Kodipasa	Sadar(224)	JDA	KATHUA	1331.27
Duarasuni	Kodipasa	Sadar(225)	JDA	KATHUA	487.24
Kansa	Kodipasa	Sadar(229)	NON JDA	KATHUA	1877.45

(Source: Field Survey, setellement record)

HundaPirah

1. Samagiri (Pandaparha-21)
2. Budhkhamana (Pandaparha-21)
3. KuaJharana (Pandaparha-99)
4. Nalapanga (Pandaparha)
5. Gayalamunda (Pandaparha-82)

CharigarhPirha

1. Pitanali (Telkoi -22)
2. GodiNarda (Telkoi- 76)
3. Madhusudanpur (Telkoi)
4. Kadua (Telkoi)

RebonaPirah

1. Khaiba (Harichandanpur-9)
2. Rangamatia (Harichandanpur-10)
3. Kahneigola (Harichandanpur-11)
4. Baura (Harichandanpur-12)
5. Nola (Harichandanpur-13)
6. Maragola(Harichandanpur-15)

7. Kusumyodi (Harichandanpur-52)
8. Budhipada (Daitari-1)
9. Kanjipani (Daitari-12)
10. Tukipada (Daitari-14)
11. Rebona (Daitari-15)
12. Talapada (Daitari-18)

Collection of documents regarding the Pirha: The research team met many officials in the Collector's office to collect information and official documents regarding Pirhas and their areas. This included visits to the collector office record room. We could locate a number of notification regarding Juang and BhuinyaPirha settlement, 58854/r.dt.27/10/1970. The notification was made for the settlement of 164 villages under Juang and BhuinyaPirha and but the settlement maps were not made available to us.

Then the research team met Mr.MadanMohanMishra, Raj Purhit (Bhanj Dev Dynasty) also teacher of King NarayanBhanjaDeo and also the care taker of the Palace library and asked about the document provided by the King related to Pirha. At the age of 90 years he was unable to remember all things. However since the palace library was being digitized we were not able to access it.

The research team then visited Village Guptaganga under Gonasika G.P to look for the Pirha patta and was finally able to collect the Sathkhanda Pirha Patta and document related to Court cases between Kathua and SathakhandaPirha over a boundary dispute. The team then visited village Rodhua under Talachampai G.P in search of more documents related to Pirha, as the villagers have been preserving the palm leaf document related to Pirha. However, the villagers worship the document like a God and were unwilling to remove it from where it is kept. It also turned out that they had never read it and were unaware about its contents. Finally the research team used the available list of villages during focused group discussions and village meetings and compiled the list of 68 villages under six different Pirha. With the help of GIS the research team tried to demarcate three Pirha for which a claim for habitat rights has already been filed the details of which are given below:

Landmarks identified for the boundary between KathuaPirha and SatakhandaPirha:

Symbol: of Baruda:- (under kanjipani and satakhanda pirha)

1. Bharada Gachha
2. Bada Saragi
3. Kalapathara
4. Kankada Gachha
5. Rai Gachha
6. Kumbh Gachha
7. Anla Gachha
8. Gaja Amba
9. Sukula Nadia
10. Nepti Benua
11. Nagara Mundali
12. Dhoba Dhobini Dhara
13. Banka Simuli
14. Laxmi Pada
15. Maisabuda Dhara

Symbol of Gonasika:- (under kanjipani and satakhanda pirha)

A. BadaSaragi

B. BaghiaTangar

C. PanchagachhiaAmba

D. BhimakundaChatri

E. Badaghat

F. Purunapani

G. BrahmaniDhara

H. Sarkar pula

Tangarpada is under Kathuapirha under sadar P.S

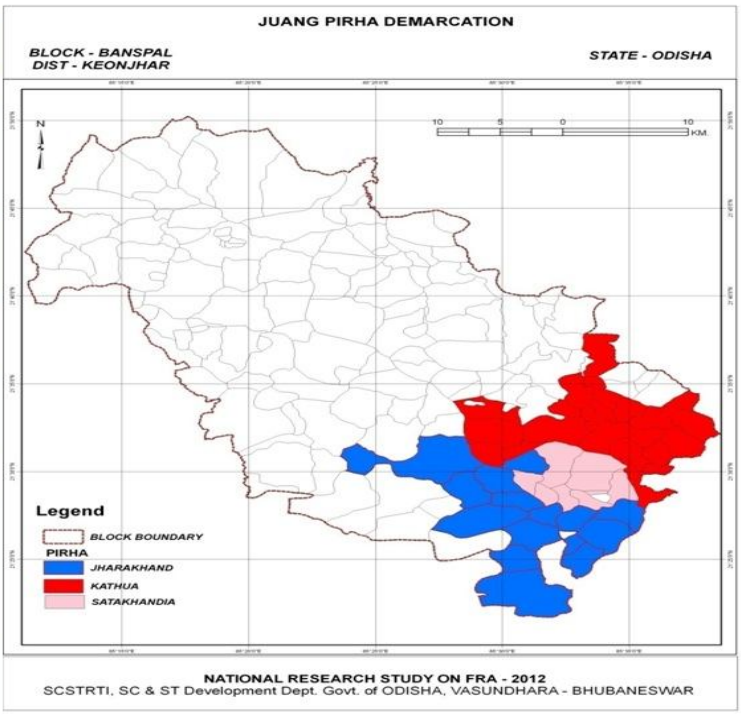
- "1" to "15" is the line between Baruda & Gonasika

- "A" to "H" is the line between Tangarpada and Gonasika.

Map.3.1.Juang Pirha map (area in acre)

Pidha	Area
Jharkhand	33578.4
Kathua	28501.15
Satkhanda	9418.61

Pidha	No. of Villages
Kathua Pidha	22
Rebona Pidha	12
Jharkhand	18
Hunda Pidha	5
Charigarh Pidha	4
Sathakhanda Pidha	7



Source: [Field survey, (GIS lab, Vasundhar)]

The above map demarcates the Pirha and the villages in it and the area it covers with latitude and longitude with the use of GIS over the digitized maps of Banspal block. The JharkhandaPirha shown in bluecolor has 18 villages in it which cover an area of 33578.4 acres which is the maximum area covered by any of the Pirha. Similarly Kathua Pirha covers 28501.15 acres of area with 22 villages which is the maximum number of villages In any of the Pirha.The smallest among the three Pirha is Sathkhanda Pirha with an area of 9418.61 acres having only seven villages in it.Due to unavailability of digitized maps of other blocks like Harichandanpur and Telkoi we have been unable to demarcate the other three Pirha with the use of GIS.

Filing of claim for habitat rights: The process of filing a claim followed by the Juang community is as per the process prescribed in law.The process started with meetings of Gram Sabhas followed by a Maha Sabha61 involving the Juang Sardars62,community members

[61] A meeting consisting of all JuangPirhaSardar and other members in the year 2010 .
[62] A local word use for leader.

from people from civil society organizations where they discussed the concept of Pirha its administrative setup and location of the landmarks of the traditional Pirha boundary.They also discussed the nature and extent of resource rights that they were enjoying based on which an indicative map was drawn with the help of available maps and identified landmarks. At the maha sabha it was decided to initially file a claim for three Pirha i.e. SathkhandaPirha, KathuaPirha, JharkhandaPirha due to availability of limitated resources.

At the end of the maha sabha meeting a resolution was passed and a claim was filed at SDLC for which an acknowledgement was received. The documents attached with the claim include PirhaPatta[63], documents related to cases regarding conflict between two Pirha and Maps demarcating the Pirha.

Steps Involved in the Pirha Claim Making Process:

- The Juang community leaders initiated the process while organizing a maha sabha at Pirha level with PirhaPradhan (sardars), Pirha members, Govt. officials, NGOs.
- Discussion about the Location of the landmarks of the traditional Pirha boundary and the nature and extent of rights that were being enjoyed on its resources since long.
- Drawing of a Sketch Map based on the land marks and using existing maps.
- Collection of all the available documents like Pirha patta, document related to cases regarding conflict between two Pirha (Refer annexure)
- A Resolution was passed after the meeting at PirhaMahaSabha and a claim was filed at SDLC.

Progress since filing of the habitat claim: The habitat claim was filed on 30th march 2010. When there was no progress by the SDLC after sixty days had passed, the Juangs filed an RTI asking about its status. They received a reply that no details regarding such a claim were available. On being sent the acknowledgement of receipt provided by the SDLC and only after the third appeal to the commissioner RTI, the SDLC accepted that they have received the claim and that it is pending with the SDLC. A special officer of the Juang Development Agency (JDA) was then appointed to explain to the villagers on behalf of SDLC that the habitat claim was pending because they were focusing more on achieving the target of

[63] Old Document issued by the ruler King recognizing the rights of Pirha.

recognizing individual rights only after which they will look into the matter. The issue was again raised later when the reply was that the SDLC was not convinced yet regarding the habitat claim. The Juangs then again raised this issue with the Collector of Keonjhar who gave them an assurance that he will look into the matter. The claim is still pending with the SDLC. .

Govt. officials stand over the Juangs claim of habitat Right : The Govt. Officials are accepting their pirha rights but are concerned about the OTFDs who are also residing inside this Pirha. What will happen to their rights if the Juangs habitat rights are recognised – whether the Juangs will acknowledge OTFDs and their rights or ask them to leave their Pirha, one official suggested. The Juang leaders say that they acknowledge the rights of OTFDs and won't ask them to leave or curtail their rights. Their only expectation is that the OTFDs will respect the Pirha administration.

The Govt. officials though not averse to the idea of recognizing habitat rights wants to ensure that this should not lead to a law and order situation in the region.

Certificate of titles and distribution: As reported by the claimants and FRC members, the titles are distributed in the presence of the MPs, MLAs, PRI members, sub collector, BDOs and Tahsildar of the concerned area in both the districts of Koraput and Dhenkanal. In Dhenkanal, title has not been issued to any OTFDs. The major reason for not issuing title as cited by SDLC official is non availability of evidences. Steps are yet to be taken for publication of final records of forest rights. There are challenges regarding RoR correction and incorporation in relevant government records, as commented by one of the SDLC member in Koraput.

No petition of aggrieved person has been filed so far in DLC but some of the grievances have been filed regarding reissuing the Patta in case of loss of their original Patta

4.3.7 Other Rights under FRA

4.3.7.1 Offence and Penalty /functioning of grievance redressal

No offence and penalty cases were found in the study villages. Similarly at the SDLC and DLC levels no offence and penalty cases are recorded. The grievance redressal mechanism exists; but no data about grievances and their redress were available at the SDLC and

district/DLC levels. However, some petitions have been received by Koraput DLC for reissue of titles as the title holders have lost them.

4.3.8 Awareness regarding FRA

More than five years have passed since FRA implementation started. Given this context, it has been attempted through the study to gauge the level of awareness about the law. Based on the household survey and interviews with multiple stakeholders, we have assessed the level of awareness of different stakeholders. This is briefly presented in the following table:

Table 4.3.27: Level of awareness about FRA amongst surveyed stakeholders (in%)

Type of Respondent	Total (No)	General Awareness			Awareness about law			No Awareness		
		IFR	CR &CFR	Amd Rules	IFR	CR &CFR	Amd Rules	IFR	CR &CFR	Amd Rules
Claimants	70	70(100.0)	6(8.6)	2(2.9)	5(7.14)	4(5.7)	1(1.4)	0	64(91.4)	68(97.1)
FRC Members	18	18 (100.0)	5(27.8)	4(22.2)	`2(11.1)	2(11.1)	2(11.1)	0	0	0
PRI Members	2	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	0	0	0
Revenue officials	3	3(100.0)	3(100.0)	3(100.0)	3(100.0)	3(100.0)	3(100.0)	0	0	0
Forest officials	4	4(100.0)	4(100.0)	4(100.0)	1(25.0)	1(25.0)	1(25.0)	0	0	0

(Source: Field Survey)

As can be observed from the above-mentioned table, general awareness on the law exist amongst all stakeholders but it only relates to individual forest rights while majority of government officials were found to have knowledge about the act and procedure. As there was greater focus on recognition of individual rights in the state, it is obvious that the revenue officials, forest officials and the PRI members are having high level awareness on the same. Even the claimants and FRC members have medium level of awareness. The awareness level with regard to community rights under Section 3(1) and (2) and about the amendment rules is low amongst community level stakeholders. Officials have been found to be well aware about these provisions. The awareness on community rights and procedures was found to be low even at the level of officials. Even the PRI members involved in DLC and SDLC were found

to have very little knowledge on CFR claim process. Awareness about habitat rights of PTGs is almost nonexistent among the officials. Awareness regarding amendment rules is yet to reach at the community level. The government officials are also not very thorough about the same. The only aspect, they were found to be knowing about amendment is regarding reconstitution of FRCs.

CHAPTER – V

COMPARATIVE ANALYSIS & SYNTHESIS OF STUDY FINDINGS

5.0 COMPARATIVE ANALYSIS & SYNTHESIS OF STUDY FINDINGS

5.1 Key Issues

The study has identified major issues related to implementation of FRA and regarding recognition of variety of forest rights envisaged within its ambit. The status of rights belonging to individual and community category has already been discussed in detail in the preceding sections. However, the following discussions in this chapter provide a comparative picture of analysis and synthesis of study findings on some of the important and critical FRA issues.

5.1.1 Undermining the role of Gramsabha and Forest Rights Committee (FRC):

The Forest Rights Act envisages an empowered Gramsabha and suggest for a bottom-up process for rights determination and recognition. However, it is pertinent to note that this role of Gramsabha has been grossly undermined in most cases except where awareness level of local communities have been high due to presence of civil society organisations. The members of Gramsabha and Forest Rights Committees were found to be little aware of the law and having practically no knowledge about their powers, roles and responsibilities. Hurried FRC formation, inadequate participation as reflected in lack of quorum in Gramsabha meetings, non-functional FRCs, inactive women members of FRCs, constitution of FRCs at panchayat level especially in Scheduled Areas with large number of scattered settlements within a revenue village/gram panchayat are commonly found issues across the study states. In Chhattisgarh, while we failed to locate the proceedings related to formation of FRCs in most of the study villages; wherever the minutes were available, it was found that not more than 10% of the total members of Gramsabha were present when FRC was formed. Our interactions with few GP secretaries from the study states reveal that many such FRCs would have been just constituted by the forest department where they have picked up members as per their wishes. In Chhattisgarh and AndhraPradesh, the FRCs have been constituted at the level of panchayats that comprises of several villages or in case of one village – one anchayat, they are extremely big with many hamlets. This has made the FRCs functioning impossible and also no effective Gramsabha could be practically organised. In Chhattisgarh, it appear that in the initial phase the Gramsabha and even SDLCs have been

literally bypassed and only pre-80 encroachments, only for which record existed with the FD, were handpicked for giving away titles.

At the time of the study, FRC reconstitution had taken place in Chhattisgarh and Odisha, however the process has not started in AndhraPradesh, though an official order in this regard was issued. This has been widely observed in the scheduled areas of the State and is also reported in our interactions with civil society actors. The root to procedural lapses and violation of law at the ground lies in inadequate empowerment of Gramsabhas and FRCs except in smaller pockets where civil society organisation have been closely working and sensitizing them. It must be noted that Gramsabhas and panchayats have more or less been functioning in a top-down arrangement where a Gramsabha is even called by authorities and not the villagers themselves. Several FRC presidents who we interacted with felt that they can only have meetings if they get instruction from concerned authorities as it happens for other Gramsabha or gram panchayat meetings. Little pre-emptive measures have been taken to change this existing environment and very little effort has been made by the government to reach out the empowering message of the Forest Rights Act to the potential right holders to raise substantial awareness and consciousness at their level so that they can successfully carry out and monitor the process of determination and recognition of rights.

5.1.2 Role of Nodal Department and bodies under FRA:

The tribal welfare or tribal development department happens to be nodal agencies for FRA implementation.The tribal department of Chhattisgarh has been found largely inactive and ineffective in the process of FRA implementation while it has been relatively active in case of Odisha and AP. In Chhattisgarh, confusion regarding the role of tribal department appears to have prevailed over a long period of time since the act was enforced. The tribal department in Odisha was found to be particularly more involved with the local Tribal Research Institute which developed effective collaboration with civil society organisations and facilitate issuance of large number of progressive orders. While these progressive orders have had some positive impact on the ground especially in terms of greater clarification among frontline officers like Welfare Extension Officers working as FRA nodal persons on CFR rights, many officers and PR members of SDLC and DLC are not adequately aware of the orders and clarifications issued by the State government time to time. In all the study states, facilitative and monitoring role of SDLCs and DLCs as provisioned by the law was found inadequate.

5.1.3 Undue influence of Forest Department:

Undue influence of forest department in the rights recognition has been evident across the study states in varying degrees. This is more pronounced at the local level and one of the key factors behind the Gramsabhas failure to emerge as empowered bodies. FDs reluctance to recognize rights over forest lands has been found to be a major stumbling block in FRA implementation process and especially with regards to community rights like CFR. The dominant role of forest department is observed in all the study states and is more pronounced in case of Chhattisgarh. In AndhraPradesh, the process was steered by revenue officials at mandal level, FRA coordinator at ITDA level and village level volunteers and staff of IKP under rural development department. However, influence of the forest department is evident from the way only JFM areas have been converted into CFR titles without giving due space to the Gramsabhas to delineate their customary territories. Similar situation has also been observed in case of Odisha.

5.1.4 Major Focus on individual rights:

In all the study states, major focus has been given on accepting and recognizing claims pertaining to individual rights. Even until clarifications were made in 2012 amendments, almost all of the claims recognized and shown as community rights actually pertained to forest land diversions under Sec 3 (2). In AndhraPradesh, the JFM areas have been recognized as CFR in large number of cases without taking local conditions into account. Lack of clarity was observed with regard to community rights (Sec 3 (1)) and community forest resource rights under Sec 3 (2) even among mid-level and frontline officials. This confusion was found to be prevailing during conduction of the study even after couple of months had passed since amendments.

5.1.5 Non-recognition of OTFD rights:

This has been common phenomenon across all the study states; however OTFDs have not been discouraged or disallowed to file claim in Chhattisgarh as it has happened in Odisha and AndhraPradesh. In Chhattisgarh, we came across instances of recognizing individual rights of OTFDs especially in forest villages where residency proof is easily available with forest department. However, in other areas especially in scheduled areas like Korba, there has been no recognition of rights of OTFDs. Authorities of AP suggest that such OTFD rights cannot

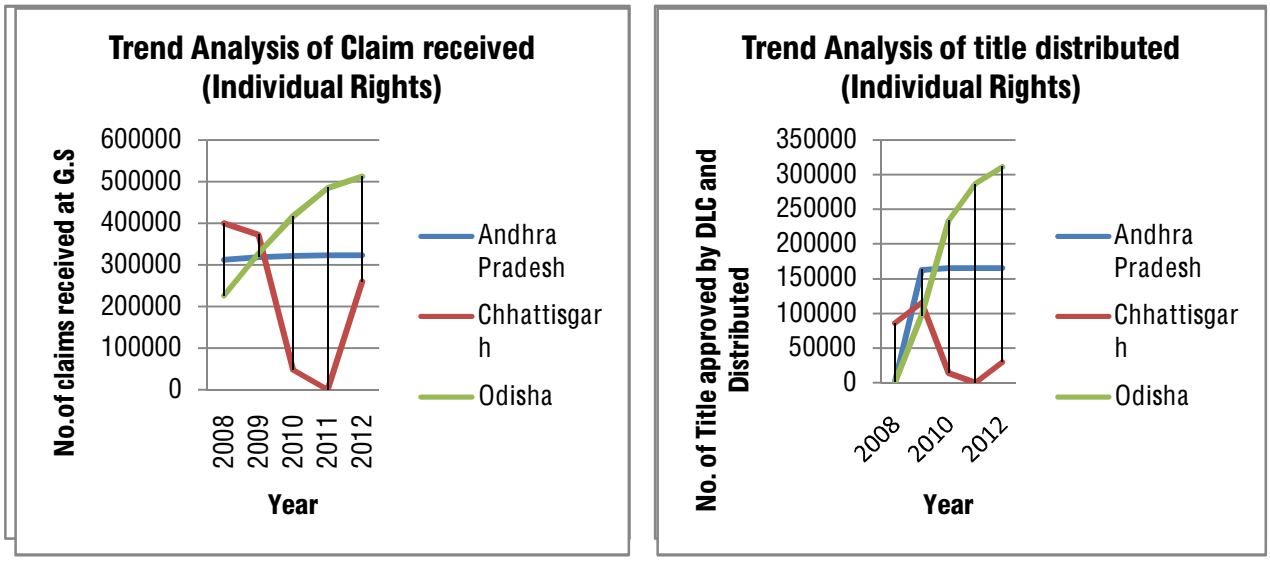
be recognized as land transfer to non tribals is completely prohibited in Scheduled Areas of Andhra Pradesh under Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 as amended in 1970 and 1971.While this has been suggested as the official reason, no concerted effort has been made to resolve the problem and even this contention violate the spirit of FRA.

5.2 Approach and Strategy for FRA implementation

5.2.1 Phases:

The process of implementation of FRA has more or less happened in different phases across all the study states. The following charts shows the trend in receiving and recognizing individual and community claims in the study states starting 2008 until 2012.

Chart 5.1: Trend of Claims Received and Title Distributed in Study States (2008 – 2012)



As could be seen in the chart above, greater continuity and consistency in implementation was observed in case of Odisha, it is found to be inadequate in case of AndhraPradesh and more inconsistent in case of Chhattisgarh. While Odisha and Andhra Pradesh started relatively early in terms of receiving and accepting claims related to the category of community rights, things didn't start in Chhattisgarh until 2012.

The progress of recognition of claims was also halted and delayed due to cases filed in courts against implementation of FRA in Odisha and AndhraPradesh. It took almost a year to get

stay orders banning issuance of titles vacated in the respective states. Implementation in AndhraPradesh broadly happened in two phases with a long gap of two years in between while in Chhattisgarh this happened in three phases with a stagnated period of almost three years before the process was re-initiated in 2012.

While all the States adopted a timeline for completion of target, these needed to be more realistic. It was found that completion of processes and achievement of targets contained in the actions plans have been planned within relatively short duration of time. This also pushed the implementation process in a target driven mode with little consideration in adherence to procedures as provisioned under the law and rules. Officials admitted to pressures for processing claim with a short notice whenever minister's visits are being planned in a particular region. In many instances, titles have been distributed by political functionaries by organizing functions which made the entire process look like land distribution program.

In Odisha and AndhraPradesh, FRA implementation and its monitoring has been more continuous and sustained due to active involvement of the Tribal Development departments of the states. The progress in Chhattisgarh has remained stagnant for at least three years. The Tribal Development department of Chhattisgarh appeared to remain unclear with regards to its mandated role under the Act for a considerable period of time and matters became relatively clear only after the regional consultation organized by MoTA in December, 2012 at New Delhi. The MoTA consultation gave specific directions to the states for clearly listing areas of implementation, greater thrust on community forest resource rights as per Sec 3(1), ensuring formation of FRC at the Gramsabha level as defined under PESA, submission of quarterly progress report, special attention to habitat rights of PTGs, formation of committees under Rule 4(1)(e) after rights are recognized, modification of transit and permit rules, recognition of community rights in Protected Areas and extensive capacity building of officials (MoTA, 2012). However, as we can find from the study that little progress has been made on these directives with FRA implementation so far has been individual right and tribal centric.

5.3 Recognition of Individual Rights

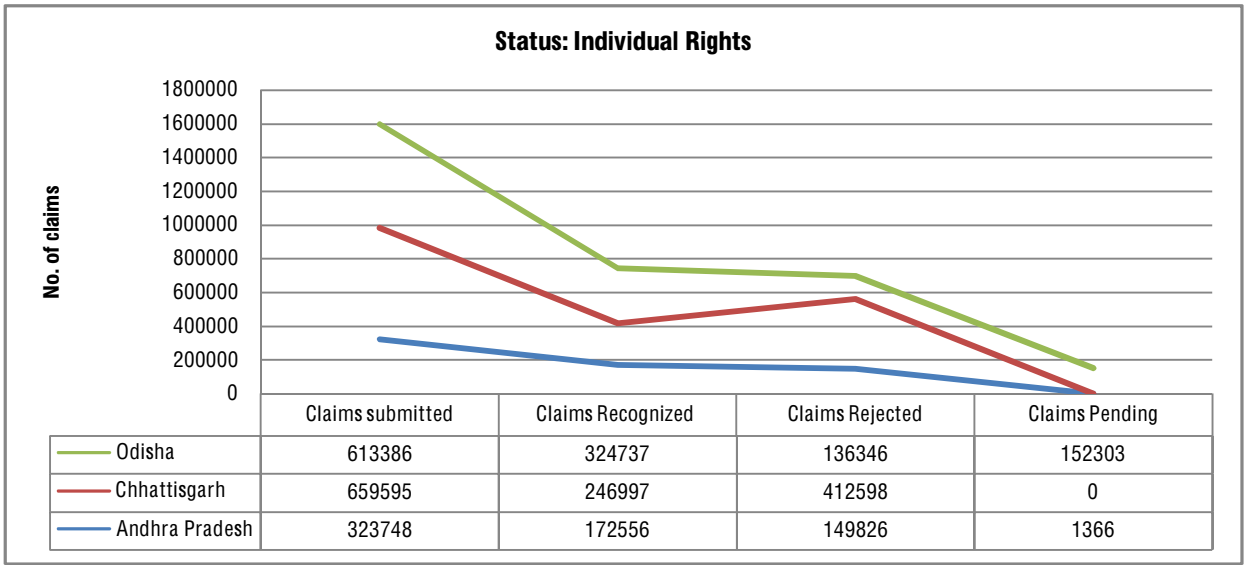
5.3.1 Concerned Legal Provision:

Section 3 (1) of the Act provides for grant of several heritable, inalienable and non-transferable forest rights to forest dwelling scheduled tribes (FDSTs) and other traditional forest dwellers (OTFDs). The right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers is recognized. Individual claimants belonging to FDSTs in possession of forest land or the above purposes before 13th December 2005 can claim recognition of such rights following the due procedure. In case of OTFDs claimants the residency in the concerned village has to be for three generations meaning 75 years prior to 13th December 2005. The law also recognizes rights for conversion of Pattas or leases or grants issued by any local authority or any State Govt. on forest lands to titles. The amendments made in rules in September 2012 expands the scope of self-cultivation to include activities which are allied with or incidental to agriculture like keeping cattle, harvesting yards etc. it further widens the definition of bonafide livelihood needs to include sale of surplus produce.

5.3.2 Recognition and Rejection of Individual Claims in terms of numbers:

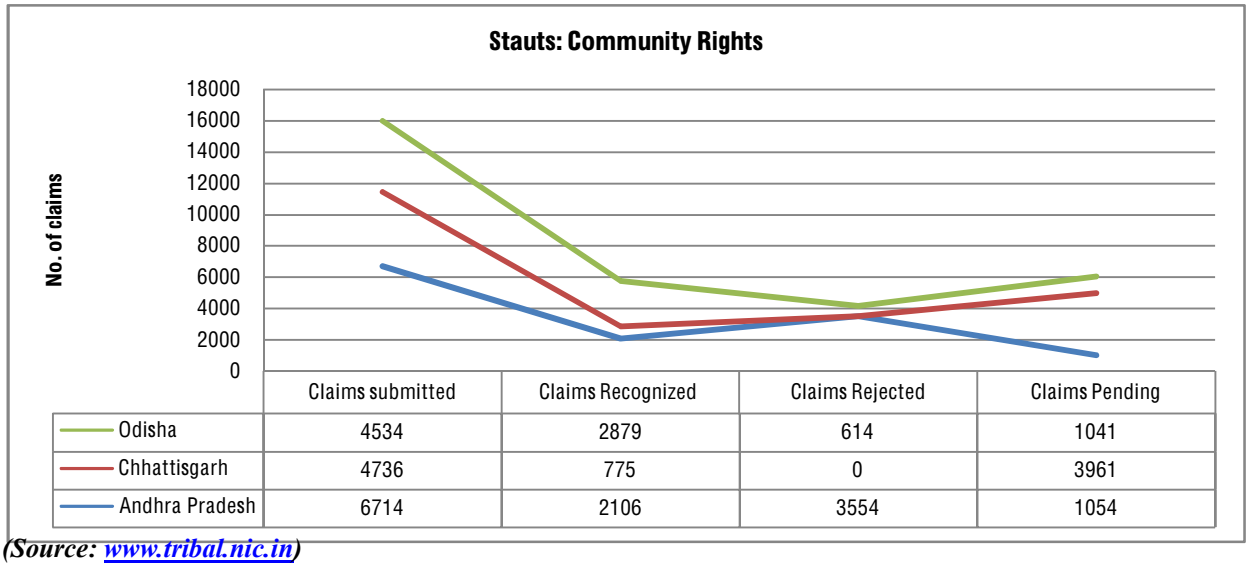
Quantitatively, the main indicators for implementation of individual rights under FRA are the number of actual claims versus the potential claims for rights over land under possession the percentage of claims actually processed; the percentage of claims rejected with valid reasons; the average area of land right recognized and the difference between the area of land claimed and area which was recognized. The following chart presents a status with respect to the above-mentioned parameters:

Chart 5.2: Number of claims submitted, pending at present, recognized and rejected in Study States[64]



	Claims submitted	Claims Recognized	Claims Rejected	Claims Pending
Odisha	613386	324737	136346	152303
Chhattisgarh	659595	246997	412598	0
Andhra Pradesh	323748	172556	149826	1366

(Source: www.tribal.nic.in)



	Claims submitted	Claims Recognized	Claims Rejected	Claims Pending
Odisha	4534	2879	614	1041
Chhattisgarh	4736	775	0	3961
Andhra Pradesh	6714	2106	3554	1054

(Source: www.tribal.nic.in)

Odisha has made an estimate that there may be as many as 7.35 lakh as potential claimants in the year 2010 based on information available on forest land and tribal households (Tribal Development Department, Government of Odisha). There are no such estimates for AP or Chhattisgarh, except they made an estimate about number of villages and districts to be covered under FRA implementation, though the numbers of potential claimants are expected to be of the same range as Odisha. There are indications that many deserving claimants have been left out, though it is difficult to make an estimate. Even in Odisha, as per government's

[64] Pending claim for Chhattisgarh was calculated based on the assumption that no rejection has taken place as no data was available for the same.

own estimate (with 5.1 lakhs claims submitted till date) more than 2 lakhs eligible claimants may have been left out. OTFDs have reported to have been discouraged from filing claim submissions in Odisha. At the same time, the focus has been on settling individual occupation rights only under section 3(1a) of the FRA, whereas potential claimants under sections 3(1)(f) pertaining to disputed areas, section 3(1)(g) and sections pertaining to illegally displaced persons from forest land have not been invited to submit claims. In the village studies, in certain cases it emerged that highly marginalised groups (many Baigas in the study villages, Chhattisgarh) didn't even submit claims for individual rights. Similarly, claims for shifting cultivation lands were not allowed to be submitted in various areas. The implication is that even five years after the law has been passed, there have been gaps in submission of claims for individual rights.

In all the three states, nearly half of the claims for individual rights received at the Gram Sabha level have been processed. Many of the claims were rejected fully or partially for various reasons (discussed later), and rights have been recognized for the remaining. The percentage of claims which have received full or partial recognition of rights ranges from 37.44% in Chhattisgarh to 53.29% in AP.

5.3.3 Area Claimed vs. Area recognised under Individual Rights:

Across the study states, the average area recognised under individual rights is found to be between one to three acres. The following table gives a comparative picture of the study states:

Table 5.1: Comparative picture of the study states on average area recognised per claim (individual right)

Status	National Average	Odisha			AndhraPradesh			Chhattisgarh		
		Village level (Sample village)	District level (Sample district)	State level	Village level (Sample village)	District level (Sample district)	State level	Village level (Sample village)	District level (Sample district)	State level
Average Area (area in acre/per claim)	1.75	1.19	1.53	1.6	2.34	2.77	2.84	1.78	1.72	0.92

(Source: www.tribal.nic.in)

Since the three states are contiguous, the large difference in average area of occupied land recognised between Chhattisgarh and Odisha on one hand (less then 2 acres state-wide) and AP on the other (2.84 acres state-wide) warrants attention. In the study villages in Chhattisgarh and Odisha, the claimants have complained of receiving much lesser land than they have in possession. This seems to be a pattern which needs to be investigated more carefully. In AndhraPradesh, recognition of rights over land under possession seemed to be more accurate, which could be attributed to the use of GPS technology for verification of claims. The involvement of independently appointed motivators in AP for verification of claims may be another reason. In Odisha and Chhattisgarh, verification of area has been done either through eye-estimation or estimation by the revenue officials and/or forest officials, except in cases where villagers have been more aware or have received hand-holding support from local NGOs/ agencies.

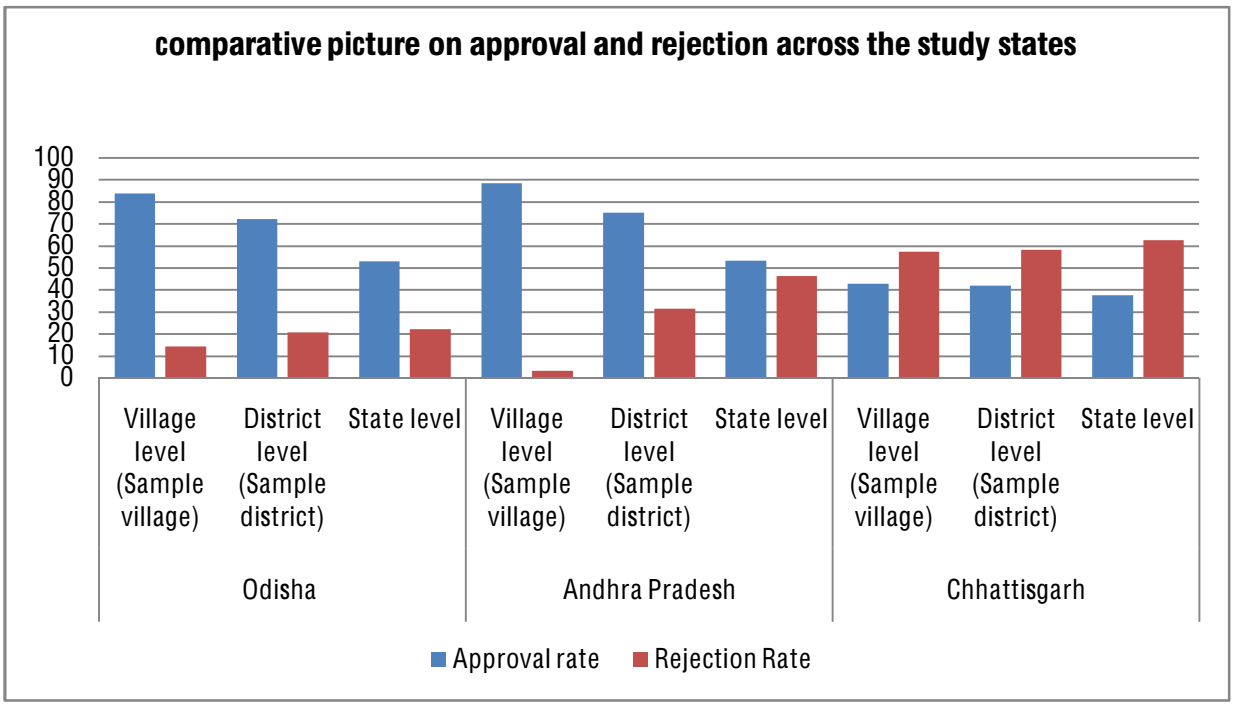
Though data is not separately available on status of PTG claims across the study states, it was observed in study sites that recognition of the rights of PTGs like Baigas of Chhattisgarh or Chenchus of Andhra Pradesh or rights of Juangs of Odisha has been considerably lagging behind and they have been more marginalised in the formal rights recognition process. This can be attributed to existing inequities in villages, dominance of one tribal group over others especially over the weaker PTG sections, negative attitude of cross-section of government staffs, extension workers towards PTGs and complexities in claim making procedure which is less consonant with more informal ways of life of PTGs. Also instead of focusing on habitat rights of PTGs like Baigas (CG), Chenchus (AP) and Juangs (Odisha), attention has only been given in recognising their rights over individual pieces of lands. This may further distort their ways of living which is more integrated with the forest over a wider area based on their social, cultural, religious and ecological relations. While states have expressed commitment towards recognition of rights of PTGs as revealed during interactions with senior officers and have issued special orders and directions, the additional care and support required for ensuring recognition of PTG claims, particularly to their habitat rights, is still highly inadequate.

5.3.4 . Extent and Cause of Rejection:

In AndhraPradesh, the overall rate of rejection of individual claims at the State level is 46.27% while it is 62.55% and 22.22 % for Chhattisgarh and Odisha respectively. Of this, majority of rejections have happened at the level of Gramsabha: 65.16 % of the claims have

been rejected at the Gramsabha level in AndhraPradesh, 73.78% in Chhattisgarh and 54.5% in case of Odisha. This result holds more or less true for the study villages in Chhattisgarh and Odisha while the state and district level scenario is not reflected at the level of studied villages in AP which shows no rejection at the level of Gramsabha. The following Chart briefly presents a comparative picture on approval and rejection across the study states.

Chart 5.3: Comparative picture on approval and rejection across the study states



(Source: www.tribal.nic.in, Field Survey)

Recorded reasons for rejections as commonly found across the study states include claims in non-forest lands, lack of evidence for OTFDs and occupation post-cut-off date. Many other reasons came to fore during field study that were state specific and most of which are not recorded. These include non-proximity of claimed land to house, uncultivated land, having ancestral lands that have been considered sufficient for sustaining livelihood, having share in brother's property, possessing loan book (showing ownership over revenue land) as found in Chhattisgarh and other states as well.

In Andhra Pradesh, citing the reason that land transfer to non-tribals is completely prohibited in Scheduled Areas, OTFD claims have not been entertained. Another reason for rejection cited relates to individual claims in VSS areas. Claimants complain that they were forced to surrender *podu* lands and cultivation was stopped to facilitate implementation of JFM and plantations. However, some reasons cited for rejection like claimant being minor, very less

land claimed seem trivial. Documentation on rejection in AP was found to be more clear and systematic and far better as compared to the other study states.

In Chhattisgarh, the issue of *ghaszameen* (revenue land), which has been used as a common reason to reject claims, is disputed by villagers in many sites which they consider as *narangi kshetra,*, something that is popularly known as 'orange areas' in government parlance, an area, ownership of which is disputed between the forest and revenue department. The villagers claim these to be forest lands over which they have been cultivating for long. This type of cases would require careful verification. It must be noted that these orange areas are recorded in records of both forest and revenue department (Garg, 2005) and so long as the land is also recorded as forest land; it comes under the ambit of FRA. Thus denying rights over such lands is in violation of the law. Aftermath of the amendment rules, the Chhattisgarh Government has decided to consider all rejected claims afresh.

As mentioned earlier, rate of rejection in Odisha has been remarkably low. But this is again not reflective of the entire scenario. The OTFDs have mainly been discouraged to file claims in the first place and even a lot of their claims have been rejected at the Gramsabha level itself or not accepted by the FRC. In some cases even where OTFDs have been able to produce genuine documents like ex-King's receipt[65], they have not been accepted by the local administration. This undue interference of local administration in wrongfully influencing and modifying gramsabha decisions and intentions is a gross violation of provisions of FRA that envisages functioning of empowered and vibrant Gramsabhas.

As found across the study states, Gramsabhashave been the primary seat of exclusion of claimant either by means of formal rejection or non-admission of claims for consideration itself. However this cannot be solely attributed to problems within Gramsabhas rather needs to be seen in the context of the environment and context within which it operates. Gramsabha functioning have been largely influenced by decisions of local forest and revenue officials. The only exception could be found in places where they have considerably aware of their rights due to intensive facilitation and hand-holding by local NGOs.

Any record of rejections only pertains to such claims which have been finally taken up for consideration and entered into the GS register. Many more claims or potential claimants were

[65] The receipt provided by erstwhile ruler(s) of Princely Estate of undivided Keonjhar (Keonjhargarh) in lieu of services and commodities provided by the local communities to the ruler.

simply not entertained based on whims of some influential persons in the village or at the instance of patwari/amin and FD staff. Also many potential claimants have not been able to file claims due to lack of awareness in addition to those whose claims have not been entertained, mostly due to objections of local FD officials.

It is pertinent to mention here that there are four types of claimants under the Individual Forest Rights.

1st Category: The claimant submitting their claim forms under the section 3 (1) (a) of the Act, which provisions for a member or members of a FDSTs and OTFD occupying the forestland for self-cultivation or habitation.

2nd Category: The claimants submitting their claim forms under the section 3(1) (f) of the Act, where the applied land is under disputed category.

3rd Category: The claimants submitting their claim forms under the section 3(1)(g) of the Act, which mentions about conversion of pattas or leases or grants issued by the local authority or any state government on forest lands into titles.

4th Category: The claimants are those who were either illegally evicted or displaced from forest land without receiving their legal entitlements to rehabilitation prior to the 13th day of December 2005.

For example, as observed in the study, prima facie, claims of Baigas who have gone back to reclaim their previous lands inside forests or claims from orange areas (Chhattisgarh) or claims in many areas of Dhenkanal, Koraput and Keonjhar (all study districts) where forest reservations were carried out during ex-estate or colonial period without any settlement of rights relate to second category of claimants. The revenue department in Chhattisgarh has also issued leases, *pattas* or grants to orange areas which need to be converted into titles under the 3rd category of claims. In this regard, a PIL by EktaParishad for resolving the issue of orange areas has been lying with the Supreme Court since 2003-04[66].

Surprisingly it is found that none of the studied states have issued titles to the eligible claimants under the 2nd, 3rd and 4th category as provision wise figures are neither available at Gram Sabha or at SDLC or DLC level. There has been lack of any initiative to investigate

[66]http://www.ektaparishad.com/en-us/about/history.aspx#history4

and identify such cases and provide adequate handholding support to the potential claimants. Almost all the titles are issued on the assumption that the claims are under the section 3(1) (a) of the Act. The basic difference between section 3(1) (a) with other provisions is with regard to the extent of area. This is further explained below:

> *Extent of Area: According to the section 4(6) of the Act, the recognition of forest land under self-cultivation shall not exceed an area of four hectares. Further, same provision mentions that it is only applicable to the section 3(1) (a) of the Act, which means the restriction over extent of forestland is applicable for 1st category of claimants and other three category of claimants would get title over area of land under actual occupation.*

In addition to the above, it is important to mention here that preamble of the Act also gave due attention to the plight of illegally evicted or displaced or relocated forest dwelling communities and specific provisions are made under section 3(1) (m) and 4(8) of the Act to address their long standing tenurial insecurity due to the State's development intervention. The concerned section mentions that if any member of FDSTs or OTFDs has been illegally evicted or displaced from forestland without receiving their legal entitlement to rehabilitation prior to the 13th December 2005, such person has right to get title on the land where he/she has been living in and cultivating the land even if that is not a forestland as a part of in situ rehabilitation or alternative land needs to be provided to him/her by the State. These aspects continue to remain problematic as it is not even been clarified in the amended rules or by MoTA. During the study, while interacting with the local civil society organisations and individuals striving for justice to marginalized communities, it was observed that most of the government officers including those who are actively involved in facilitation process are unaware about the provisions specially meant for the 4th category of claimants. Treating all category of claimants under a single provision (under section 3(1) (a)) is in violation of the spirit of the law and amounts to depriving claimants of the wide range of other rights they can claim under the Act.

5.4 Recognition and Rejection of Community Rights and CommunityForest Resource Rights

5.4.1 Concerned Legal Provision:

Section 3 of the Act provides for grant of several heritable, inalienable and non-transferable forest rights to forest dwelling scheduled tribes (FDSTs) and other traditional forest dwellers (OTFDs). Under Section 3 (1), the following rights which secure community tenure, shall be the rights of forest dwelling scheduled tribes and other traditional forest dwellers on all forest lands namely,

a) *Community rights such as nistar, by whatever name called, including those used in erstwhile Princely states, Zamindari or such intermediary regimes;*

b) *Right of ownership, access to collect, use, and dispose of minor forest produce(includes all non-timber forest produce of plant origin) which has been traditionally collected within or outside village boundaries;*

c) *Other community rights of uses or entitlements such as fish and other products of water bodies, gazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;*

d) *Rights including community tenures of habitat and habitation for primitive tribal groups and pre-agriculture communities;*

e) *Rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forest, whether recorded, notified or not into revenue villages;*

f) *Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;*

g) *Rights which are recognized under any State law or laws of any Autonomous Dist. Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;*

h) *Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;*

i) *Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses-1 to 11, but excluding the traditional right of hunting or trapping extracting a part of the body of any species of wild animal;*

In AndhraPradesh, the overall rate of recognition with regards to community claim has been 31.36% at the state level while it is 42.93% for the study districts. In Chhattisgarh it is 16.64% for the State and 83.35% for the study districts[67].

The overall rate of recognition in Odisha has been 63.49% at the level of state while it is 84.69 % for the study districts. The following table provides further details on the status of community rights claim across the study states:

Table 5.3.: Status of Community Rights Claim across the Study States

Status	National Average	Odisha			AndhraPradesh			Chhattisgarh		
		Village level (Sample village)	District level (Sample district)	State level	Village level (Sample village)	District level (Sample district)	State level	Village level (Sample village)	District level (Sample district)	State level
Average Area(acres)	209[68]	62.37	36.09	76.98	27.14	351.27	464.96	-	3.36	5.71[69]
Approval rate	-	-	84.69	63.49	-	42.93	31.36	-	83.35	-
Rejection Rate	-	-	7.10	13.54	-	57.06	52.93	-	16.64	-

(Source: www.tribal.nic.in, Field Survey)

[67] The high rate of recognition in the study districts reflects a partial picture. The data on community recognition was not available for Korba and the calculation is done on the basis of reports of Bilaspur and Dhamtari and the total number of claims received for both the district was only 869.

[68] Based on reports filed by Maharashtra, Odisha, Rajasthan and West Bengal with MoTA as on 31st December, 2012

[69] Out of the study districts, no data on community right recognition was available from Korba. While the state level data on total community claim approved was 775 with a total area 4432 acres. However the claims for Bilaspur and Dhamtari taken together is 771 with an area of 2592 leaving 4 additional claims with a remaining area of 1841 acres which appears unrealistic. It is also important to mention that these are not really community claims but diversion of forest land under Section 3(2) of FRA.

Until 2012, the states did not reported separately on categories of community rights as per Section 3 (1) and diversion of forest land for community facilities under Section 3(2) of FRA. Hence it is difficult to ascertain the actual extent of community forest rights recognised. However based on the average amount of area recognized for each state, it appear that recognition under section 3(1) has happened to a greater extent in Odisha and AP; whereas in Chhattisgarh, the average area per case of 5.71 acres/claim (at the state level) indicates that almost all cases are diversion of forest land for developmental purposes under Sec 3(2) of the Act.

Also there existed confusion between community forest rights and developmental rights and across all states as developmental rights under Sec 3(2) were perceived as community rights.

Majority of stakeholders interviewed at different level showed lack of clarity of understanding in this regard which is reflected in implementation on the ground. For example, in AndhraPradesh, in non-VSS villages areas, average 'CFR rights' amount to an area of only 2.36 acres per sample village as against 381.8 acres in villages having a VSS area.

In Andhra Pradesh, community forest rights were essentially understood as rights over areas of Vana Samrakhyan Samiti (VSS), an institution created by the forest department under the Joint Forest Management (JFM) program. Instead of conferring title to the gramsabha, CFR titles have been found to have been issued in the name of individuals like VSS chairperson or village elder or Sarpanch which is a clear violation of the law

With regard to community rights under Section 3(1) in Chhattisgarh, there have been no concrete steps to initiate claim process except printing of form 'C' and its distribution in some areas. Lately there have been instances of filing of CFR claims by the village community with help of some civil society organizations but they appear to be sporadic. As per the recent data received, 27 CFR titles have been conferred in Sarguja district (not covered by the study). However, activists and researchers suggest that such recognitions are inadequate as it comes with conditions to align with working plans of forest department, exclude the recognition of CFR rights under 3(1)(i) and thus violate spirit of the law.

In Odisha, the thrust on recognizing developmental rights as community rights was similar as in the other two states in the initial phases based on similar set of confusion. However, in

2010, the ST & SC Development department of Odisha issued exclusive FAQs on determination and recognition of community forest rights in order to eliminate the confusion persisting at ground level with regard to Community Forest Rights and Developmental facilities under section 3(2) of the Act. The said departmental order mentions that *"most of the reporting of the recognition of CommunityForest Rights so far has actually been for the diversion of forestland for developmental facilities provided under the section 3(2) of the Act. The process for diversion of forest land for developmental facilities under section 3(2) of the Act is totally different from the recognition of CommunityForest Rights as envisaged in section 3(1) of the Act."* This departmental order not only reduced the confusion but also helped in enhancing focus on recognition of community forest rights including right to protect, regenerate and manage CFR areas mentioned under section 3(1)(i) of the Act.

While Odisha has shown greater foresightedness on the matter, MoTA clarification came much later in the year 2012 through a FAQ and things were further clarified in its national consultation of December 2012. Following this, there has been enhanced focus on recognition of CFR right claims as per Section 3(1) especially in Chhattisgarh. In terms of total claims recognized on CFR, Odisha leads the tally amongst the study states. So far, most of the FRA implementation focus has been centered on individual rights in the study states as elsewhere in India. To large extent this can be attributed to the lack of adequate understanding and sensitivity towards the idea of community forest rights. A concerted and comprehensive approach would be required to facilitate the process of recognition of the diverse community forest rights which is more complex and dynamic than individual rights.

5.5 Convergence of Schemes

With an aim to develop the forest land and forest resources recognized under different categories of claim under FRA, the governments has focused on utilizing different developmental schemes and link them for improving such resources. It is expected that through proper convergence with development schemes, the titleholders under FRA can derive gainful benefit from forest land and resources. As observed across the study states, only standard developmental schemes have been used for convergence and it has solely focused on individual titleholders and no interventions have been made to improve community forest resources.

There has been varying degree of progress as far as convergence for development of recognized individual lands under FRA is concerned. There has been dearth of secondary data on convergence for AP, whereas the rate of coverage under convergence[70] in Chhattisgarh has been 37.49% and 22.22% for Odisha. Results from sample study villages in AP reflect an extremely low rate of coverage at 8.67%. The following table provides information on convergence status in the study states:

Table.5.4. Convergence Status in the Study States

SI. No	State	IAY	Mo Kudia	Mo Pokhari	Land Dev. Under MGNREGA	National horticulture Mission	National bamboo Mission	Other Programmes	Total
1	Odissa	87729	3408	4802	39610	5322	99	22516	173486
2	Chhattisgarh	63000	NA	NA	27856	NA	NA	63779	91641
3	A.P	NA	NA	NA	NA	NA	NA	NA	NA
Total	**3**	**150729**	**3408**	**4802**	**67466**	**5322**	**99**	**86295**	**265127**

(Source: www.tribal.nic.in, Field Survey)

The nature of convergence interventions were found to be similar across three study states that include land development, irrigation ponds and wells, Indira Awas Yojana, stone bunding and bush clearance, horticulture gardens, supply of seeds and fertilizer. While in Odisha, it can be seen that several schemes have been used, in Chhattisgarh the major coverage has been under Indira Awas Yojana (IAY) and no data was available for AndhraPradesh. In AP, convergence support was routed through ITDA while in Chhattisgarh, this has been routed through blocks and local agriculture department. In Odisha it has happened through the blocks and micro-project agencies in case of PVTG areas.

In Chhattisgarh as the secondary information and field investigation suggests, in many cases a title-holder has been covered under more than one convergence program. Targeted focus on women headed households is noteworthy.

In Odisha, it was found that while the title holder is covered by convergence, the piece of land recognized under FRA has not been included for want of appropriate intervention/ schemes e.g. land leveling activities in hill-slope cultivation areas of Juangs that would

[70] No of titleholders covered as against total number of titles issued.

require more tailor-made interventions. Thus, the entire purpose of developing recognized land remains unfulfilled though convergence coverage targets are achieved.

Across the study states, it was observed that right-holders are ignorant about the details of the convergence scheme under which he/ she are covered. In study areas, several convergence initiatives were found to be incomplete due to expiry of sanction period or for some reason unknown to the beneficiary.

As ground results in AP suggest, special efforts would be required to gear up the convergence action in the State and for the other two states where the situation has been relatively better than AP, it would still have to go a long way in fulfilling the convergence targets and that too in the most appropriate ways to help advance livelihoods of tribals and other forest dwellers.

5.6 Recognition of Habitat Rights

Forest Rights Act is the first legislation that provides for formal and legal recognition of habitat rights of PTGs, the most vulnerable and marginalized amongst the tribals. Except in one case of Odisha, the process of recognition of habitat rights is yet to take off in the study states. Moreover, there is hardly any understanding and appreciation of the concept of habitat rights at the level of multiple stakeholders involved in implementation of FRA and any preparedness for initiating the process of rights recognition is lacking.

The Odisha case relates to **habitat right claim by Juang PTG in Keonjhar district on their customary habitats of Jharkhand, Satakhanda and Kathua*Pirha***[71] in 2010. However this claim making process was facilitated by civil society organizations (Banabasi Chetana Mandal and Vasundhara). Following this, series of meetings have been held between officials of tribal welfare department and leaders of Juang communities Subsequently the Collector sought clarification from the state government on two counts: (i) regarding rights over revenue lands that exist within their habitat area (ii) regarding rights of other tribals and OTFDs residing in their habitats. Further, the ST&SC Development Department, Govt. of Odisha State has written to MoTA seeking more clarification on meaning and scope of habitat rights but Ministry is yet to respond.

[71] Pirh is an English version of the original term Pidha which has a Sanskrit origin. In the same language, Pitha means abode and thus JuangPirh happens to be their abode. Although few Juang populations are found in other places, the pirh areas have their major and ancient concentration. (Rath, 2005)

In the study states, even in the case of individual rights recognition, marginalisation of PTGs is evident from the field studies. Their exclusion from the formal claim making process has been observed in many sites, be it Baigas of Chhattisgarh, Juangs of Odisha or Chenchus of Andhra Pradesh. Considering their unique lifestyles and the way they are being looked down upon in the local societies and by other stakeholders, their rights recognition process and especially their habitat rights would have to negotiate social and political hurdles. For this a straightforward approach to FRA implementation in PTG areas would be inadequate and a more comprehensive mechanism would be required to fulfil this enormous task.

5.7 Other Right Categories

Parts of Chhattisgarh like Bilaspur and Korba witness incoming of seasonal pastoralist from Rajasthan and Gujarat. The study team learnt about instances of their conflict with local communities over grazing their cattle in local forests but this could not be verified and investigated in detail due to limited time. While the forest department provides them with annual permit, any initiative to facilitate their rights over seasonal landscapes as per provisions of FRA is yet to take off. It will be also important that government while initiating process of rights recognition over seasonal landscapes like this, needs to be cognizant of the local dynamics related to these in-migrations and should take suitable steps to vitiate a potentially conflicting situations to facilitate proper implementation of the law .

In Odisha communities like Mankadias venture into wider forest areas on seasonal basis. However no concrete initiative has been taken to recognize their rights over such seasonal landscape. In AndhraPradesh, the Lambada communities used to be seasonal pastoralist earlier but now they are predominantly settled agriculturist and hence issues related to other right categories is non-existent.

5.8 Follow-up on Amendment Rules, 2012

After the 2012 amendment rules, the States have followed up with reconstitution of Forest Rights Committee in many places, if not everywhere. But again the process has been a hurried one as was done previously. This reduced the scope for better comprehension of the law and related processes at the level of potential right-holder to be benefited under the law. This adversely affected people's participation and ownership of the process resulting in lack

of demand from local communities for recognition of their rights, an essential space that FRA provided.

FRC reconstitution has taken place in 32 villages out of 36 study villages except four villages in Chitoor district of Andhra Pradesh. In Chhattisgarh, 3 villages were single village panchayats (one village – one GP). As such, FRCs was constituted at panchayat level in the initial phase. However due to subsequent facilitation by local NGOs and petitioning the local administrations on the matter, the FRCs were constituted at the village level only in the concerned places and this has not been a common phenomenon. In Dhamtari, the FRCs of all four villages has been constituted at the panchayat level. FRC reconstitution included change in members, inclusion of women members, and inclusion of more members where it was below 15 in the previously constituted FRCs. However, there has been no change in the level of FRCs those were constituted at the panchayat level.

In OdishaFRCs were constituted at the village level in all study sites and post amendment, reconstitution also took place in all the FRCs as per provision of the changed rules.

In AndhraPradesh, constitution of FRCs initially took place at the level of Gram Panchayat and FRC reconstitution has not started except issuance of a government order to do so. Even when the FRCs were initially formed, it was done without organizing proper Gramsabha. This was clearly observed in the case of study villages.

Somehow the task of FRC reconstitution has been taken as the sole follow-up measure of amendment rules. Instances of follow-up on other provisions of amended rules could not be found. Moreover knowledge about amendment rules was found to be lacking at different levels and especially at the level of panchayats and villages. This was similar situation across all the study states.

5.9 Performance of Authorities/Bodies for FRA implementation

5.9.1 State Level Monitoring Committee:

In AndhraPradesh, the State Level Monitoring Committee (SLMC) has met once in a year except 2011 and 2012. Lack of regular meetings and functioning has had slowing

down effect on the FRA implementation process. However SLMC was found to be helpful to some extent in providing guidance for post-verification documentation, stressing on convergence and reviewing right claim cases for uncovered habitations.

In Chhattisgarh, in order to expedite FRA implementation, the SLMC constituted a sub-committee under the leadership of PCCF which hardly functioned, the frequency and regularity of meeting was found to be better as compared to AP however it's effective impact on the ground was very less. It was observed that allowing the forest department a main role (heading the sub-committee) has further sidelined the tribal department and has helped former gain control of FRA process on the ground and their reluctance to proceed with claim recognition has been evident.

In Odisha, SLMC has been more active in terms of organizing regular meetings and issuing order, notably in terms of issuing guidelines on making change in RoRs after recognition, being the first to initiate action on convergence and expedite clearance of pending claims pending with FD especially claims inside reserve forest areas. The CM office has been found to be regularly reviewing FRA. The clarity on Tribal department's role as nodal agency from the very beginning of implementation with designated officers having extensive experience of working in tribal areas also contributing in expediting the process of implementation. The government in Odisha also forged effective collaboration with committed civil society groups at different levels which helped addressing grassroot level issues to a large extent.

As observed, better performance of SLMC as observed in Odisha has been a product of strong political will, involvement of committed officers sensitive to tribal issues as also engagement of civil society organizations in the process. This is found to lacking in varying degrees in the other study states and was more pronounced in the case of Chhattisgarh.

5.9.2 District Level Committee and Sub Divisional Level Committee:

In all the study states, SDLCs and DLCs have been found to be relatively active and regular in functioning in the initial years of implementation of the act which slackened down subsequently. DLCs and SDLCs appeared to have only met when there has been a need to consider the recommended applications or driven by political concerns for

distributing titles. Moreover participation of women and panchayat members was grossly inadequate which to a large extent stems from the fact that they have been unaware of their roles and responsibilities and role of DLCs and SDLCs. Discussions with PR members in SDLC and DLC reveal that government officers especially those from forest department played a major and dominant role in conducting affairs of these bodies. This was more prominently observed in case of Chhattisgarh. Most of the panchayat members who were interviewed expressed their dissatisfaction at the lack of space available for them to voice their concern and there is little effort from government officials to facilitate their meaningful participation. Representation of tribal department and their active participation in conduct of these bodies especially in Chhattisgarh was found to be lacking.

Chart 5.4: Awareness Level

Key Observations: more than 75% of the Govt. officials in all the study states found to be aware of the *provisions and procedures of the Act.It is pertinent to note here that all the officials in Chhattisgarh involved in implementation of the Act are well aware of the provisions and procedures. But the picture is reverse in case of the claimants. The awareness level among the claimants in Odisha is higher than that of AndhraPradesh, which is non-existent in Chhattisgarh. Though some of the claimants have general awareness on individual rights it is found to be very low in case of CR&CFR rights amendment rules and legal provisions and procedures. The awareness on individual rights among the FRC& PRI members in AndhraPradesh and Chhattisgarh is higher in comparison to Odisha. No FRC and PRI members in Chhattisgarh are having any awareness on other two important aspects like CR &CFR and amendment rules. However, certain members of these institutions in Odisha found to have thorough knowledge on CR &CFR and amendment rules.*

Type of Respondent	General Awareness									Awareness about Law								
	Individual Rights			CR &CFR			Amendment - 2012			Individual Rights			CR &CFR			Amendment - 2012		
	Odisha	A.P	CHG	Odisha	A.P	CHG	Odisha	A.P	CHG	Odisha	A.P	CHG	Odisha	A.P	CHG	Odisha	A.P	CHG
Claimants																		
FRC Members																		
Forest Officials																		
Revenue Officials																		
PRI Members																		

High (>75%) Moderate (51-75%) Low (25-50%) Very low (<25%)[72]

[72] ***(Source:Field Survey)***

(Source:Field Survey)

5.10 Multi-stakeholder Level Awareness and Knowledge on FRA

5.10.1 Level of General Awareness:

Based on the field study, an attempt has been made to quantitatively rate the awareness and knowledge level on FRA amongst different stakeholders. This is presented in the following

Table 4.5:

Type of Respondent	General Awareness									Awareness about Law								
	Individual Rights			CR &CFR			Amendment – 2012			Individual Rights			CR &CFR			Amendment - 2012		
	Odisha	A.P	CHG	Odisha	A.P	CHG	Odisha	A.P	CHG	Odisha	A.P	CHG	Odisha	A.P	CHG	Odisha	A.P	CHG
Claimants	**100.0**	100.0	100.0	19.7	5.0	0.0	3.3	1.7	0.0	6.8	1.3	12.5	3.5	0.4	0.0	0.9	0.0	0.0
FRC Members	**100.0**	100.0	100.0	59.3	16.7	12.3	51.8	0.0	12.3	20.0	83.3	19.0	11.6	0.0	0.0	11.6	0.0	0.0
Forest Officials	**100.0**	100.0	100.0	86.7	100.0	100.0	86.7	100.0	100.0	86.7	100.0	100.0	80.0	100.0	100.0	86.7	100.0	100.0
Revenue Officials	100.0	100.0	100.0	88.9	100.0	100.0	77.8	100.0	100.0	83.3	83.3	100.0	77.8	83.3	100.0	72.2	83.3	100.0
PRI Members	100.0	88.9	100.0	83.3	66.7	15.9	79.2	0.0	15.9	27.8	33.3	42.1	27.8	33.3	0.0	23.6	0.0	42.1

(Source:Field Survey)

As can be observed from the above table, it is found that there is a general level of awareness across all the study states about the FRA provision of individual forest rights at different levels. Awareness regarding community rights and community forest resource rights is abysmally poor at the level of PR functionaries and local communities while senior government officials were found to be reasonably aware of the Act. In all the study states, the general awareness on individual rights is complete

for all studied stakeholders. Except at the level of higher government officials and staffs involved in FRA implementation, information about amendment rules is lacking at the level of local communities and Panchayati Raj members. Awareness about habitat and other rights are conspicuously low at all levels. Lack of adequate awareness of FRA provisions at the level of local stakeholders (Forest Rights Committee, Gram Sabha) is found to be a major stumbling block in proper implementation of the FRA.

5.10.2 Level of detailed and proper understanding of different provisions of FRA amongst key stakeholders in Andhra Pradesh, Odisha and Chhattisgarh:

On **individual rights**, this is found to be 1.3% amongst claimants; 83.3% of FRC members; cent per cent for forest officials; 83.3% of revenue officials and 33.3% of PR members in case of AndhraPradesh. In case of Chhattisgarh, 12.5% of claimants; 19% of FRC members; cent per cent of forest and revenue officials and 42.1% of PR members were found to have deep understanding with regard to provisions on individual rights. In case of Odisha, only 6.8% of claimant; 20% of FRC members; 86.7% of forest officials; 83.3% of revenue officials and 27.8% of PR members covered under the study were found to have a detailed understanding.

With regards to understanding on **CR and CFR provisions**, it was found in case of AndhraPradesh, only 0.4% of claimants, none of the FRC members, 100% of forest officials and 83.3% of revenue officials and 33.3% of PR members have better understanding of the aforesaid provisions. In case of Chhattisgarh, none of the claimants and FRC members; all of forest and revenue officials and none of the PR members were found to have better understanding of CR and CFR provisions. For Odisha, it was found that 3.5% of claimants; 16.6% of FRC members; 80% of forest officials; 77.8% of revenue officials and 33.3% of PR members better understand the provision.

Detailed understanding on **amendment rules** is found to exist amongst none of the claimants and FRC members; all of forest officials; 83% of revenue officials and none of PR members in case of AndhraPradesh. In case of CG, this is nil for claimants andFRC members; all of forest and revenue officials and 42.1% of PR members. In case of Odisha, proper understanding on amendment rules has been found amongst

only 0.9% of claimants; 11.6% of FRC members; 86.7% of forest officials; 72.2% of revenue officials and 23.6% of PR members.

5.11 Good Practices

5.11.1 AndhraPradesh:

- The Government of Andhra Pradesh accorded high priority to FRA implementation and proceeded with a project mode of implementation carried out in different phases. It involved Society for Elimination of Rural Poverty (SERP) as the primary implementing agency for FRA and constituted survey teams comprising of personnel from concerned departments equipped with GPS equipment for measuring individual and communal areas. Involving SERP was useful as it had its own human resources who were trained to work in rural situations and have long experience of working on developmental interventions. However this approach has been criticized by local NGOs as it prevented building capacity of gram sabha instead.

- A road map for implementation was prepared in which it was decided to convene Gramsabha for formation of FRCs, create awareness through handouts, banners made in Telugu language and performing through Kalajathas, involve Adivasi Sangams, reputed NGOs in the implementation process and to impart necessary training to the Social Mobilisers and Barefoot surveyor.

- The government made good use of technology in demarcating individual and community areas and as observed in the field sites, they were found to be accurate. A clear-cut demarcation of boundary through GPS, delineating bend points and recording the position of each bend point in the passbook is a unique approach, which reduces the confusion between the land actually allotted and the land actually in possession.

- SLMC decided to withdraw forest cases against all eligible right-holders whose rights have been recognized under FRA and the process was initiated in some cases.

5.11.2 Chhattisgarh:

- This is the only one among the study states which has encouraged claim making of OTFDs and have facilitated recognition of OTFD titles at least in the forest villages. Claim forms of separate colour have been prepared for faster identification of the status of OTFD claims being filed so as to ensure appropriate follow-up action.

- For facilitating evidence especially for OTFD claims, the Government of Chhattisgarh has taken a progressive step of issuing genealogy certificates (locally called as *missal*) to local communities as a proof of period of residency in a particular area.

- Post amendment rules, 2012, the Government of Chhattisgarh have taken a progressive and noteworthy decision to consider all pending/ rejected claims afresh.

5.11.3 Odisha:

- Village has been taken as a unit for constitution of FRCs across the state.

- Initiatives have been taken to constitute FRCs in forest villages, old habitations or settlements located on forestlands, un-surveyed villages. An enumeration of un-surveyed villages was carried out by the government and the list was circulated to all District Collectors for follow-up action.

- Initiatives undertaken to withdraw forest cases against communities whose rights have been recognized under FRA.

- The Act was translated in 10 tribal languages and was distributed widely.

- The ST & SC Development Department and SCSTRTI have carried out special training programs for all the Welfare Extension Officers (frontline staffs of the department) covering all the districts and blocks on FRA and Amendment Rules. The training programs have helped in building understanding on the key provisions on community forest rights and on the procedure for determination of the rights.

- The SCSTRTI has developed several reference material, field manual, guidelines on the act and amendment rules and the Tribal Welfare Department has probably issued highest number of circulars/guidelines and directions and a compendium of its orders was developed for awareness generation and clearing confusions around implementation of the act.

CHAPTER – VI

CONCLUSION, RECOMMENDATIONS & SUGGESTIONS

6.0 CONCLUSION, RECOMMENDATIONS & SUGGESTIONS

6.1 Conclusion:

The Forest Rights Act (FRA), 2006 has been the most progressive and path-breaking legislation in the history of forest governance in India. It potentially seeks to transform the structure and nature of forest governance by allowing legal recognition of variety of pre-existing rights of Scheduled Tribes and Other Traditional Forest Dwellers who have been traditionally depending on forests for sustaining their life and livelihoods. The types of rights recognized under FRA include individual rights over land, communal rights over forest and forest produce, habitat rights of Particularly Vulnerable Tribal Groups (PTGs) and seasonal rights of pastoralist and nomadic tribes. Importantly, local *Gram Sabhas* are empowered under the law for initiating and facilitating the rights recognition process.

The Rule was officially notified on 31st December, 2007 and rules formulated under the Act came into force from 1st January of 2008. More than five years have passed in between. Concerns are being raised at various quarters regarding the tardy progress of implementation of the Act. Official database indicates that the implementation has so far by and large focused on individual rights and that to majorly of Schedule Tribes, ignoring large sections of other traditional forest dwellers and various other types of rights like community forest resource rights and habitat rights. The rules were amended and notified in September, 2012 and guidelines were issued to address some of the key issues of implementation such as recognition of community forest resources rights, identification and conversion of forest villages into revenue villages, disposal and transit of minor forest produce, rejection of claims, mechanisms for post-claim support and prescribing mandatory reporting and monitoring system.

The recognition of rights under FRA includes individual rights over forest land, community rights over forest and forest produce, habitat rights of PTGs and seasonal rights of pastoralist and nomadic tribes. Crucially, the FRA empowers the *Gram Sabhas* (Village Councils) for initiating and facilitating the process of determination of forest rights. As a vital component of FRA community forest resources (CFR) rights provides scope for formal recognition of rights over forest conserved by local communities and also supporting provisions for community's right to conserve biodiversity. Sustenance of forest resource base livelihood

through conservation of schemes for the title holding forest dwellers also taken care of by the FRA.

As regards to the FRA achievements the government claims to have disposed around 86.83% of the total forest rights claims received. As on 30th June, 2013, inIndia 3.25 million forest rights claims were filed and 1.30 million (40%) titles distributed. Further, as many as 15,700 titles were ready for distribution. However of total claims, only 65, 864 community claims were filed, of which only 19, 621 titles (29.79 %) have been issued. Recent studies reveal the following implementation issues: i) high rates of rejection of claims; ii) non-recognition of rights of 'other traditional forest dwellers'; iii) limited recognition of community forest rights and habitat rights of PTGs and rights inside protected areas (AITPN, 2012; Action Aid, 2013). Though the implementation of the law has seen success of varying degree and faces multiple challenges, it has opened up possibilities of a progressive and democratic forest governance regime in forested landscapes of the country.

Given the context, the National Research Study on FRA implementation in AndhraPradesh, Chhattisgarh and Odisha has brought out an overall understanding and perspective on fundamental issues concerning FRA implementation and to arrive at concrete recommendations to further strengthen grounding of the seminal law.

The key findings of the study have been briefed in the aforementioned executive summary.

6.2 General Recommendations

- Raising awareness at the level of local communities, FRCs and PR representatives is critical to successful implementation of FRA in time to come. For this purpose, the governments of the concerned states need to consider developing awareness and training materials in line with similar initiatives undertaken by Odisha Government and should organize intensive training program for all level of government and PR functionaries, GP secretaries, FRC members and traditional leaders and representatives from local communities. The training and capacity building initiatives should be taken up at regular intervals for effective and sustained impact.

- Implementation of the FRA and the key provisions such as CFR, habitat rights etc. need to be backed by a proper planning process at the state and district level

identifying forest interface villages, using GIS tools to map progress, making available maps, documents etc. to the Gramsabhas, etc.

- There is a felt need for creation of adequate institutional support structures and setting up of a dedicated specialized unit (ResourceCenter or State Level Task Force) which would facilitate FRA implementation. A long-term action plan for implementation of the Act is a requirement. It is difficult to achieve within the formal government structure with officers being overburdened with multiple responsibilities and tasks. As such there should be conscious attempts to involve national and local level civil society organization to extend close facilitation and real need based hand-holding support to the local communities.

- Recognition of CR and CFR rights need to be taken in a mission mode employing dedicated support and facility. Necessary resource support (budgetary support) is required to engage dedicated teams of community level resource persons for facilitation of the CR and CFR rights.

- All community rights issued so far need to be revisited to ensure correctness of claims as per the provisions of the Act and in tune with the views of local traditional institutions.

- Use of GIStechnology should be encouraged in facilitating community level maps for facilitating individual and CFR claims. The government should take necessary steps to supply GPS equipment to local communities and develop cadres of GP level master trainers who can further impart technical knowledge to village youths, community level resource persons and leaders.

- There is need for greater transparency in convergence initiative in terms of educating the beneficiary about the details of the schemes i.e. amount of funds sanctioned, duration of the scheme, its objective and such. So far major convergence initiatives on land development is found to be commonly focused on bund repair and land leveling without taking into account the specificities of the land and requirement of actual resources. Thus convergence initiatives are required to be more need based and tailor made. The gramsabhas should play an active role in planning intervention for recognised individual and community

forest resources based on specific local needs instead of pre-determined schemes being imposed upon them.

- For cross learning and monitoring, national level interfaces are required more at regular intervals – it is recognized that a formal meeting becomes cost intensive but use of technology can make it easy and cost effective. It is suggested that a bi-monthly video conferencing of Chief Secretaries of the State should be carried out on a regular basis.

- Mechanisms for grievance redressal need to be put in place at the panchayat, sub-division, district and state level to address to the complaints and petitions and to respond to violation of the FRA provisions.

- The provision for social monitoring/auditing of the implementation need to be made at the ground level.

- The state governments should ensure meetings of SLMC at regular intervals as per 2012 Amendment rules. Tribal Welfare department should hold regular interface with the CSOs, Peoples' organisation prior to the SLMC meeting.

- All rejected claims under individual and community categories should be reviewed. It is praiseworthy to note that Government of Chhattisgarh has taken a proactive step in this regard.

- Research should be undertaken at a regular interval by the State(s) in order to address the field level issues hindering proper implementation of the Act. The concerned Tribal Research Institute(s) should play a lead role in this regard who can carry out research in collaboration with reputed civil society organizations.

- Adequate logistical and infrastructural support should be provided to the officers especially engaged in facilitation of forest rights.

- States should properly identify and prepare a list of forest fringe and interface villages for proper implementation of Community Rights including rights over Community Forest Resources.

- All circulars and orders issued by MoTA, GoI and States should be made available in the web site dedicated for FRA (Central and State level).
- There should be a separate claim form and title format for Habitat rights
- The claim for conversion of forest villages into revenue villages should be included in the claim form for community rights.
- MoTA and state governments should revisit the existing reporting format which lacks qualitative information.
- MoTA shall provide all clarifications raised by the States within a specified time period.

6.3 State Specific Recommendations

6.3.1 Andhra Pradesh:

- The officials, PRIs and members of FRCs involved in the implementing process be imparted thorough knowledge on the amendment rules and especially rules related to CFR, forest village conversion, ensuring rights of PTGs, convergence with due emphasis on claims as per Sec 3(1)
- There is an urgent need to distinguish between form'B' and 'C' and it should be percolated down to community level and more emphasis should be given on settlement of CR and CFR and issuance of title in the name of Gramsabha instead of individuals.
- VSS areas should not be taken as the sole criteria to recognise CFR. It is suggested that all CFR titles should be reviewed and the government should ensure that gramsabhas are able to independently determine their CFR areas which should form basis of recognition.
- Rejection on the ground of the OTFD claims being in Scheduled Areas, individual claims in lands under VSS, claims involving small areas (below 20 cents) and claims made by minors needs to be revisited.

- Process needs to be accelerated to reconstitute FRC at village/hamlet level rather than GP level and in adherence to the Amendment Rules, 2012 wherever necessary.

- Meetings of the SLMC, DLCs and SDLCs need be organized at regular frequency to expedite the claim recognition process.

- There should be continuous awareness program on FRA at different level and status of the claims needs to be shared with the claimants at regular intervals. Besides, awareness on post claim convergence needs to be given utmost priority.

6.3.2 Chhattisgarh:

- For districts like Dhamtari, there is a need to survey all villages, especially in non-tribal and whereextent of forest areas is less, to identify families that might be in occupation of forestlands. As in Magarlod (the study block under Dhamtari district), the key focus has only been on forest villages and a whole block (Kurud) has been excluded from FRA on the premise that forestland occupation do not exist in the region.

- Government should initiate proper steps to verify claims in 'Orange areas' as these are recorded in both forest and revenue records, and therefore fall in the category of disputed claims between the two departments and on which the revenue department has also issued leases, pattas and grants which need to be converted into proper titles. Given the large extent of orange areas in the state, people's assertion that rejections of their claims from such areas are unjustified holds sufficient ground for further enquiry. Else, it will be a historical injustice perpetuated.

- Tribal Welfare Department of the government should be equipped with sufficient human resource and equipment to facilitate implementation of the FRA.

- Proactive steps need to be taken to facilitate recognition of habitat rights of PTGs like Baigas, Kamars, PahadiKorwas, etc. and rights of pastoralist over their seasonal landscapes.

6.3.3 Odisha

- Recognition of CFR rights should be taken up in all the districts in a mission mode.
- Where CFR rights have already been recognized (as in Kandhamal) the process of final mapping and incorporation of rights in the government records need to be completed as required in the amendment rules.
- The model on CFR recognition as developed in Kandhamal needs to be replicated in all districts.
- In cases where conditions have been mentioned in CFR titles, those need to removed. It is suggested that all recognised CFR titles should be reviewed to remove anomalies, if any.
- Claims pending on habitat rights (as in JuangPirha area in Keonjhar) need to be facilitated in consultation with the traditional leaders of the community. That would provide important hints to work on habitat rights of other PTGs in the state.
- The process of conversion of forest villages into revenue villages as suggested in the amendment rules need to be initiated in the districts.
- Proper field verification should be ensured to prevent errors with regards to location and area of land. All distributed titles need to be verified through a proper survey before final record of rights are made. This is also keeping in view large scale instances of recognition of lesser area than is under possession of individual right holder.

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ANNEXURE - I

State Reports
Andhra Pradesh:
Annexure – 4.1.1: Awareness Level in different Districts

Kurnool										
Type of Respondent	**Total**	**General Awareness**			**Awareness about Law**			**No Awareness**		
		Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012
Claimants	73	73(100.0)	4(5.4)	0	2(2.7)	0	0	0	69(94.5)	73(100.0)
FRC Members	2	2(100.0)	1(50.0)	0	1(50.0)	0	0	0	1(50.0)	2(50.0)
Forest Officials	2	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	0	0	0
Revenue Officials	2	2(100.0)	2(100.0)	2(100.0)	1(50.0)	1(50.0)	1(50.0)	0	0	0
PRI Members	3	3(100.0)	1(33.3)	0	0	0	0	0	29(66.7)	3(100.0)

Chitoor										
Type of Respondent	**Total**	**General Awareness**			**Awareness about Law**			**No Awareness**		
		Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012
Claimants	47	47(100.0)	0	0	0	0	0	0	47(100.0)	47(100.0)
FRC Members	1	1(100.0)	0	0	1(100.0)	0	0	0	1(100.0)	1(100.0)
Forest Officials	2	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	0	0	0
Revenue Officials	2	2 (100.0)	2 (100.0)	2 (100.0)	2 (100.0)	2 (100.0)	2 (100.0)	0	0	0
PRI Members	2	2 (100.0)	2 (100.0)	0	0	0	0	0	0	2(100.0)

Vizianagarm										
Type of Respondent	**Total**	**General Awareness**			**Awareness about Law**			**No Awareness**		
		Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012
Claimants	80	80(100.0)	8(10.0)	4(5.0)	1(1.3)	1(1.3)	0	76(95.0)	72(90.0)	0
FRC Members	1	1(100.0)	0	0	1(100.0)	0	0	0	1(100.0)	1(100.0)
Forest Officials	2	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	0	0	0
Revenue Officials	2	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	0	0	0
PRI Members	3	2(66.7)	2(66.7)	0	0	0	0	1(33.3)	1(33.3)	3(100.0)

Annexure – 4.1.2: Govt. Circulars/Orders/ Proceedings on FRA

Date	Department/ Office	Particulars
22/01/2008	**Office of the Chief Minister**	To further streamline forest settlement operations, following decisions taken in the meeting conducted by the Chief Secretary recently should be given effect to: 1. Filing of appeal against award of Forest Settlement Officers should be a considered decision arrived after due deliberations in a District Level Committee headed by District Collector. 2. Instructions should be issued to exclude areas on which farmers perfected their claims as shown by the awards of Forest Settlement Officers without waiting interminably for the publication of notifications under Section 15. At this stage, Minister for Revenue highlighted the uncompromising stand being taken by the Forest Officers in the field who are not differentiating between notifications under Section 4 and 15 of A.P. Forest Act. He desired that the Forest Settlement Operations should be concluded expeditiously. CM decided that Forest settlement operations should be concluded in a period of next 2 to 3 months and final notifications issued under Section 15 paving the way for settlement of all rights of the farmers as per the Revenue norms. CCLA mentioned that workshops have been conducted to inform the Forest Settlement Officers about the Act and also regional meetings were conducted to monitor the progress of forest settlement operations. He mentioned that certain Forest Settlement Officers are tending to take a narrow view of things, trying to convert all the areas notified under Section 4 into the reserve forest under Section15. Special Chief Secretary, EFS & T drew the attention to the ST and Other Traditional Forest Dwellers (RoFR) Act, 2006 and underlined the

		importance of correlating the maps of forest department which have been digitized with cadastral maps of revenue department to facilitate easy identification of occupations of the forest lands by the people living in the surrounding villages. The Addl. PCCF (SF) explained that the process of recognition and vesting of rights will be conducted through the committees at 4 levels: 1. State Level Monitoring Committee headed by Chief Secretary would monitor the entire process of recognition and vesting of rights. 2. District Level Committee headed by District Collector, would finally approve the forest rights as per prepared by the Sub-Divisional Level Committee. 3. Sub-Divisional Level Committee headed by the Sub-Collector / RDO will review the resolutions on various claims forwarded by the Gram Sabha, prepare a record of rights and submit the same to the District Level Committee. 4. The Gram Sabhas shall be convened by the Gram Panchayat and its first meeting it shall elect from amongst its members a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee (FRC), wherein at least one third members shall be Scheduled Tribes. Provided that not less than one third of such members shall be women, provided further that where there are no Scheduled Tribes, at least one third of such members shall be women. The Secretary, Tribal Welfare informed that the State Level Monitoring Committee has already been constituted and action is being taken to address the District Collectors to obtain nominations of (3) ZPTC members to be included in the District Level Committee, (3) Mandal Parishad members for inclusion in Sub Divisional Level Committee by following the rules under the Act. The rules provide for nominations of these members by the ZPs. However, (2) of the members should belong to the Scheduled Tribes preferably primitive tribal group while one member shall

		be a woman; in case where there no Scheduled Tribes, such members could be other traditional forest dwellers. Principal Secretary, Revenue desired that issues like entitlements to families and the methods of dealing with cases where occupations exceed entitlements under the Act need to be finalized. Principal Secretary, Rural Development suggested to have certain trial runs in selected villages to help prepare a road map for guidance of all. Chief Minister desired that Gram Sabha should be convened immediately and Forest Rights Committees constituted. It is recognized that the Forest Rights Committee formed by the Gram Sabha plays a crucial role in obtaining the claims, verifying them and making recommendations for the recognition of forest rights. He wanted District Collectors to make special efforts to constitute these Forest Rights Committees expeditiously in consultation with district in-charge Ministers. He wanted a time bound programme to complete the process of recognition offorest rights. Towards the end, wanted the Secretary, Tribal Welfare to prepare a road map by 31-01-2008. He also desired that the State Level Monitoring Committee may meet before that time and suitable guidelines prepared for taking further maps for the implementation of the Act.
29/1/2008	**SLMC**	**3. Need for a Notification under Schedule V of Indian Constitution:** Regarding the constitution of the Forest Rights Committee the Rule 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2007 say that `the Gram Sabhas shall be convened by the Gram Panchayat and in its first meeting it shall elect from amongst its members, a committee of not less than ten but not exceeding fifteen persons as members of the Forest Rights Committee, wherein at least one-third members shall be the Scheduled Tribes'. But the committee opined that all the members of Forest Rights Committee shall be from ST community only. To this effect a notification is to be issued by the Government under V schedule of the Constitution in respect of scheduled

		areas. 4. When the MLA, Mulugu Sri Podem Veeraiah, raised the issue of LTR versus RoFR Act, Chief Secretary clarified that LTR provisions prevail in Scheduled Areas and Recognition of Forest Rights Act (RoFR) is aimed at only giving title to the Scheduled Tribe Dwellers and other traditional forest dwellers in whom the forest rights are vested subject to the conditions stipulated in the Act. 5. The Committee felt that the nominees of members of ZillaParishads and Mandal Parishad to be included in the Dist. Level and the sub-divisional level should be tribals only. The endeavour should be to nominate members of ST in women category also. 6. The road map prepared by the Tribal Welfare Department has been approved by the committee. However they wanted dates for earliest completion also to be included in the road map. 7. For implementation of the above Act, it is felt that common guidelines are to be prepared and approved by the Tribal Welfare, Forest and Revenue Departments respectively to have clarity. 8. To reach out the tribes who are at grass root level i.e. Panchayat level, village level posters, handouts containing the guidelines are to be prepared in Telugu and distributed and the Kalajathas are to be organised to create awareness at micro level. It is also felt necessary to involve state, district and mandal level adivasi sangams and the reputed NGOs who are working for tribals. 9. The committee also desired that one youth at the village level is to be identified and imparted training in the RoFR Act who in turn can bring awareness among the villagers and members of the Forest Rights Committee. Chief Secretary and CCLA informed that all the vacancies in Revenue and Survey Departments will be filled up soon. Principal Secretary (RD) agreed to provide the services of two additional surveyors

		at each mandal in addition to the existing two surveyors. The Social Mobiliser and barefoot Surveyor will be imparted training for 10 days to make them conversant in dealing, processing and basic survey techniques. 10. A documentary film is to be prepared and supplied to all the gram panchayat to make them aware of the Act. 11. The Chairman of the Committee felt that apart from the state level monitor' Committeethere should be exclusive committee which should act as a catalyst effective implementation of the above Act, consisting of Sri Bhale Rao, I.A.S., Commissioner, Revenue, Sri S.V. Kumar, IFS, Addl. PrI.CCF (SF), DT Commissioner, Panchayat Raj, Commissioner, Rural Development and Dire TCR E & TI. This committee will be chaired by CCLA. 12. Further, Nodal Officials will be designated as hereunder: Dist. Level, ITDA areas - Project Officer, ITDA Non-ITDA areas - Joint Collector Division level - Sub Collector/ RDO Mandal level - Tahsildar, R.F.O. G.P. Level - G.P. Secretary, Village Rev. Officer However it is noted that the implementation of the Act and provisions are basically the functions of committees at Gram Panchayat, Revenue division and district levels. The Forest Rights Committee at GP level would be helped by the social mobilisers primarily. 13. Budget as proposed by Tribal Welfare Department to be provided for effective implementation of the Act and Provisions.

3/5/2009	**Social Welfare**	**Use of chain to demarcate wherever GPS reading is not possible**
19/6/2009	**SLMC**	The 2nd SLMC meeting was convened on 19.06.2009 at 4.00 PM in the O/o the SpI. Chief Secretary to Govt. and CCLA, Hyderabad to review the progress in Implementation of RoFR Act, 2006. At the outset the PrI. Secretary to Government, Tribal Welfare welcomed the members of the Committee and briefly explained the progress in implementation of RoFR Act, 2006. **1. Review on the minutes of the previous meeting:** The Chairman took up the review on the action taken report of the minutes of the previous meeting held on 21.10.2008. **2. Survey:** Poor progress was reported in the districts Mahabubnagar, Guntur, Kurnool and Prakasham. The Chairman issued instructions to take up the matter with the District Collectors concerned. The CCF was requested to take up the matter with the Conservator of Forests Guntur district and to sort out the problem. The problem is due to occupation of non cultivable lands by tribals including VSS lands. **3. Pendency at Gram Sabha / SDLC / DLC levels:** It is reported that pendency is found at Gram Sabha/SDLC/DLC levels wherein the decisions have to be taken for disposal of claims. It is a continuous process. Therefore the District Collectors will be requested to review the pendency with the officers concerned and see that the meetings are convened for disposal of cases expeditiously. **4. Issue of Certificate of Titles:** While launching distribution of certificates of titles on 08.06.2009, the Hon'ble Chief Minister instructed to complete the distribution of certificate of titles already approved in DLCs by 15th June 2009 by involving local Ministers and public representatives. As on date the certificate of titles were distributed to (22,697) claimants covering (50,301) acres. It was decided that good progress should be shown before the

		conference of Collectors on 26th and 27th June, 2009. All the Collectors to be alerted urgently. Information to be obtained on other traditional forest dwellers also. The entire programme of distribution of certificate of titles should be completed by 31st July, 2009. There had been interactive sessions in the TV Channels about implementation of RoFR Act. A copy of it could be obtained to take into consideration the positive aspects for effective implementation of the programme. **5. Maintenance of Registers:** Two sets of registers should be maintained at Gram Sabha /SDLC and DLC levels habitation wise as approved by the DLCs and one set be given to the Forest Department for record.
21/07/2009	**CM**	1.As far as the individual rights given to the tribals are concerned, all necessary help is to be provided by the line departments like Tribal Welfare, Agriculture, Animal Husbandry and Forest Department, etc. through ITDAs to increase the productivity of the lands by way of land development, irrigation facilities, raising most remunerative horticultural crops and Silver Oak, Coffee, Rubber, Pepper, etc. depending upon the site specific conditions. Rearing of Sheep / Goat and dairy farming can be encouraged under stall feed conditions. Wherever feasible, needed irrigation facilities may be provided for raising fodder, to ensure good income to the beneficiaries through Dairy. 2. It was clarified that the individuals cannot get rights in VSS areas as the claimants were not in possession of the land as on the cut off dates of 13-12-2005 and also 31-12- 2007 as per RoFR Act. Commercial crops in VSS areas cannot be permitted, as green cover is different from Reserved Forests. They are entitled to get only community rights and the VSS members are eligible for 50% of the usufruct and the remaining 50% will be ploughed back to VSS for its further development. 3. As far as the community rights given to VSS of tribal members as per RoFR Act is concerned, it was decided that the community would be permitted to continue with the present activities under JFM/CFM guidelines to protect, develop and manage the forest areas allotted to VSS by

		maintaining the ecological balance. The VSS members should be encouraged to raise intensive plantation crops with species like Bamboo, Teak, Casurina, Eucalyptus, Silver-oak, Pepper, NTFP, etc. as per the site specific condition by linking the finances to the schemes form World Bank Project, RIDF, FDA, NREGS etc. to improve the productivity of the lands ensuring good remunerative returns to the VSS community. The usufruct is shared in accordance with the existing procedure under JFM/CFM guidelines.
10/9/2009	**Social Welfare**	**Computerized database in prescribed format and unique ID for each claimant**
9/10/2009	**Review Meeting/ TW Dept.**	**3. Survey:** During review with District Officers, it is noticed that Survey is still pending in Vizianagaram, Mahabubnagar and Guntur districts. The District Collectors, POs of ITDAs and DTWOs are requested to complete the Survey under ROFR by the end of October, 2009. **(Action: POs/DTWOs)** **4. Receipt of new claims:** The Prl. Secretary, TW clarified to all the district officers that left over genuine claims if any can extend as per Gram Sabha under Rule 11 (a) can extend the period of three months time from the date of calling of claims by recording the reasons thereof in writing and accept the claims by affixing the resolution. **Such claims should be received up to the end of October, 2009 only as the entire process has to be completed by the end of December, 2009.** **(Action: POs/DTWOs)** **5. Pendency at SDLC and DLC Levels:** It is observed that some claims are pending disposal at SDLC and DLC levels in the districts of West Godavari, Khammam, Adilabad, Prakasham, Vizianagaram and Nellore. They are directed to take personal interest by reviewing with concerned officials and ascertain the reasons for pendency and take steps for redressal of all such cases by31.10.2009.

		(Action: POs/DTWOs) **6. Review on VSS claims:** A review on VSS lands and receipt of claims was discussed with POs, DTWOs and DFOs. It has been agreed that the process of identification of ST beneficiaries under VSS having 100% tribal members has to be completed by 31st October, 2009 and certificate of titles to be distributed by November, 2009. **(Action: POs/DTWOs)** **7. Progress in distribution of Title Deeds :** As on 30.09.2009, 1,73,052 certificates of title deeds were distributed to eligible claimants covering an extent of 13,68,394 acres. Still, there is a pendency of 45,095 claims covering an extent of 2,21,701 acres. It was also noticed that there are certain discrepancies in the figures furnished earlier and informed in the Video Conference. Therefore, the POs, DTWOs are directed to furnish accurate figures from proforma I to V and particulars pertaining to VSS along with the total number of beneficiaries under VSS, separately. **(Action: POs/DTWOs)** **8. Maintenance of Record at Revenue. Forest, Tribal Welfare and Gram Panchayat level :** The Spl. Commissioner, O/o. CCLA informed the district officers that a proforma for maintenance of record on the rights given to the certificate of title holders under RoFR Act, 2006 has been prepared and communicated to all the officers vide G.O.Ms.No.94, SW (LTR-1), dt: 10.09.09. Therefore, all the officers are requested to maintain the record of Forest rights under RoFR Act and send compliance report. **(Action: District Collectors/POs/DTWOs)** **9. Monitoring:** In spite of repeated instructions, the progress reports on implementation of RoFR Act are not reaching this office in time i.e. 5 of every month. Even, in the reports received, the figures in terms of achievement are not tallying with the figures furnished in the previous month. Therefore, all the POs and DTWOs are directed to reconcile the

		figures before sending to Commissioner of Tribal Welfare. **(Action: POs/DTWOs)** **10. MIS online monitoring:** It is observed that the District Officers are not feeding the inputs in the web site for MIS online monitoring. Due to non-feeding of information, the good progress achieved is not reflecting in the all India level review meetings. Therefore, all the POs and DTWOs are requested to arrange to upload the inputs on implementation of RoFR Act in the web site in time. **(Action: POs/DTWOs)** **11. Economic Support Schemes taken up in the Lands distributed under RoFR Act:** The Prl. Secretary, TW reviewed the schemes taken up by eachdistrict in the lands distributed under RoFR Act. The Prl. Secretary, TWrequested all the district officers to utilize NREGS funds for land developmentby providing micro irrigation facilities and encourage Rubber, Coffee andHorticulture plantations. It is observed that in Vizianagaram district no landdevelopment scheme under NREGS has been taken up. The Prl. Secretary, TWrequested the PO, ITDA Parvathipuram to show progress on this subject bynext meeting. P.O. assured that he would take up immediately. **12. Participation of Banks:** The District Collector, Khammam informed that the banks are not coming forward to extend financial assistance to the eligible ST claimants who were given certificate of titles under RoFR Act. The Prl. Secretary, TW requested the Collector to utilize the funds available under NREGS and the bankers can be convinced that record of rights is maintained in co-ordination with Revenue and Forest officials. The proforma prescribed forthis purpose is to be utilized for effective marking of forest lands on line with Revenue land. On the basis of same, the loans can be advanced to Tribal Farmers. The P.O. ITDA Eturnagaram informed that in Warangal district banks are advancing loans on the lands, which were

		distributed under RoFR Act.
5/5/2010	**Social Welfare**	**Inclusion of ST members in SLMC**
15/6/2010	**SLMC**	**1. Status of implementation of RoFR Act, 2006 :** Commissioner of Tribal Welfare informed the members that 3.30 lakh claims involving an extent of 19.62 lakh acres have been received. Out of which, 1.65 lakh claims involving 14.12 lakh acres have been distributed so far. 6,397 claims covering an extent of 40,627 acres are pending disposal at Gram Sabha, SDLC and DLC levels. Pendency is high in Vizianagaram, Adilabad, Khammam, Guntur, and Nellore districts. The Chief Secretary directed the Commissioner, TW to issue instructions to the above 5 District Collectors to convene the coordination committee meeting and complete issue of Title deeds in all eligible cases. **2. Withdrawal of cases :** The Principal Chief Conservator of Forests said that since the implementation of the RoFR Act, **1551 cases are withdrawn and 956 cases are pending**. After detailed discussions on this issue, following decisions were taken. • Principal CCF will furnish the latest status report to the Tribal Welfare Department. • Forest Department will issue detailed instructions to the field staff to withdraw cases booked against the tribals which are accrued as rights under the RoFR Act duly prescribing time frame. • Forest department will also monitor withdrawal of cases. **3. Community Rights :** Commissioner, TW informed that except VSS claims practically no other community right has been conferred under the Act. After detailed discussions, the committee decided that the Commissioner, TW shall initiate action to obtain claims and confer community rights.

		4. Left over forest interface villages : Commissioner, TW informed that certain habitations could not be covered in the main phase of implementation. As a result, even individual rights are not recognized so far. Sri BaluNaikNenavath, Hon'ble MLA, Devarakonda and Member of the Committee informed that RoFR process was not taken place in Bachchupuram village in Chandampeta Mandal of Nalgonda district. After detailed discussions the committee directed the Commissioner, TW to take the following actions. • ITDA wise list of uncovered habitations shall be obtained. • RoFR process shall be initiated for individual and community rights. • The District Collectors shall be informed to convene a coordination committee meeting and complete implementation by September, 2010. 5. **Land Development in RoFR lands :** Commissioner, TW briefed the committee about the development plans prepared for RoFR lands. **Due to objections of lower level forest functionaries in some districts, the development activities like drilling of irrigation bore wells, SMC works etc., could not be taken up.** The committee discussed this issue and requested the Principal Chief Conservator of Forests to issue suitable instructions to field functionaries of forest department for allowing developmental activities on lands given rights under RoFR Act. Committee requested Commissioner, TW to brief about developmental programs taken up in RoFR lands in the next meeting. **6. VSS lands given as Community Rights :** Commissioner, TW informed the committee that about 70% of lands given rights are community/VSS lands (9.5 lakh acres). In good number of VSS, there is no activity and beneficiaries are not deriving any income out of such lands. After detailed discussions the committee accepted the proposal of Commissioner, TW to raise plantations like Bamboo, Teak, Casuarina, Eucalyptus, Silver Oak, Pepper, Coffee, Rubber and NTFP etc., in the

		degraded VSS lands. Entire usufruct of such plantation shall be passed on to the members of VSS.
11/4/2011	**Tribal Welfare**	**Initiation of 2nd phase of implementation**
4/6/2011	**Tribal Welfare**	Procedure for seeking prior approval for diversion of forest land for non forest purposes for facilities managed by the Government under section 3(2) of the FRA Act- Format issued
9/9/2011	**Tribal Welfare**	Entering at least 4 longitudes and latitudes in the passbook/ Title in the name of both the spouses, if married
22/10/2011	**Tribal Welfare**	Coordinates in bend points , entering into passbook page, mentioning bend point number

CHHATISGARH:

Table 4.2.1: Number of respondents surveyed and their awareness level - BILASPUR

Respondent	Total	General Awareness[73]			Awareness about law[74]			No Awareness		
		IR	CR &CFR	Amendment Rules - 2012	IR	CR &CFR	Amendment - 2012	IR	CR &CFR	Amendment - 2012
Claimants	80	80	0	0	10	0	0	0	80	80
FRC Members	30	30	4	4	10	0	0	0	26	26
PRI Members	7	7	1	1	3	0	3	0	6	6
Revenue Officials	2	2	2	2	2	2	2	0	0	0
Forest officials	2	2	2	2	2	2	2	0	0	0
TDD officials	2	2	1	2	2	1	2	0	1	0
Total	123									

Table 4.2.2: Percentage of Awareness level among the respondents - BILASPUR

Respondent	Total	General Awareness%			Awareness on law%			No Awareness%		
		IR%	CR &CFR %	Amendment - 2012%	Individual Rights%	CR &CFR %	Amendment - 2012%	Individual Rights%	CR &CFR %	Amendment - 2012%
Claimants	80	100	0	0	13	0	0	0	100	100
FRC Members	30	100	13	13	33	0	0	0	87	87
PRI Members	7	100	14	14	43	0	43	0	86	86
Revenue Officials	2	100	100	100	100	100	100	0	0	0
Forest officials	2	100	100	100	100	100	100	0	0	0
TDD officials	2	100	50	100	100	50	100	0	50	0
Total	**123**									

[73]General awareness implies a very general kind of awareness like do they know what is individual rights under FRA are and what is CR and knowledge about amandment, based on the questions in the Interview schedule, FGDs, meetings and Personal interviews it was ascertained like a particular stake holder is aware or completely unaware and the number of sample respondent gives an idea about the percentage of awareness.

[74]Awareness on law implies about the awareness regarding the legal provisions like if it is individual rights then weather they know how much maximum land they can apply, what documents are required for verification and what was the process for filling an application etc. The information source was Interview schedules, Personal interviews, FGSs.

Table 4.2.3: Number of respondents surveyed and their awareness level - DHAMTARI

Respondent	Total	General Awareness			Awareness about law			No Awareness		
		Ind rights	CR &CFR	Amendment - 2012	Ind rights	CR &CFR	Amendment - 2012	Ind rights	CR &CFR	Amendment - 2012
Claimants	80	80	0	0	10	0	0	0	80	80
FRC Members	36	36	4	4	4	0	0	0	32	32
PRI Members	6	6	1	1	3	0	3	0	5	5
Revenue Officials	2	2	2	2	2	2	2	0	0	0
Forest officials	2	2	2	2	2	2	2	0	0	0
TDD officials	2	2	1	2	2	1	2	0	1	0
Total	128									

Table 4.2.4: Percentage of Awareness level among the respondent - DHAMTARI

Respondent	Total	Aware			Awareness on law			No Awareness		
		Ind rights	CR &CFR	Amendment - 2012	Ind rights	CR &CFR	Amendment - 2012	Ind rights	CR &CFR	Amendment - 2012
Claimants	80	100	0	0	13	0	0	0	100	100
FRC Members	36	100	11	11	11	0	0	0	89	89
PRI Members	6	100	17	17	50	0	50	0	83	83
Revenue Officials	2	100	100	100	100	100	100	0	0	0
Forest officials	2	100	100	100	100	100	100	0	0	0
TDD officials	2	100	50	100	100	50	100	0	50	0
Total	**128**									

Table 4.2.5: Number of respondent surveyed and their awareness level - KORBA

Respondent	Total	Aware			Awareness on law			No Awareness		
		Ind rights	CR &CFR	Amendment-2012	Ind rights	CR &CFR	Amendment - 2012	Ind rights	CR &CFR	Amendment - 2012
Claimants	80	80	0	0	10	0	0	0	80	80
FRC Members	32	32	4	4	4	0	0	0	28	28
PRI Members	6	6	1	1	2	0	2	0	5	5
Revenue Officials	2	2	2	2	2	2	2	0	0	0
Forest officials	2	2	2	2	2	2	2	0	0	0
TDD officials	2	2	1	2	2	1	2	0	1	0
Total	**124**									

Table 4.2.6: Percentage of Awareness level among the respondents - KORBA

Respondent	Total	Aware			Awareness on law			No Awareness		
		Ind rights	CR &CFR	Amendment - 2012	Ind rights	CR &CFR	Amendment - 2012	Ind rights	CR &CFR	Amendment - 2012
Claimants	80	100	0	0	13	0	0	0	100	100
FRC Members	32	100	13	13	13	0	0	0	88	88
PRI Members	6	100	17	17	33	0	33	0	83	83
Revenue Officials	2	100	100	100	100	100	100	0	0	0
Forest officials	2	100	100	100	100	100	100	0	0	0
TDD officials	2	100	50	100	100	50	100	0	50	0
Total	**124**									

Table 4.2.7: Summary of SLMC Proceedings

Meeting Date/Period	Summary of key discussions and decisions
Review meeting headed by Sri RamanSingh on 26th June 2008	• ST/SC development department appraised that around 2.55 lakh applications have been received at the level of gramsabha. Out of this, 0.5 lakh applications have been forwarded to SDLC after verification of which 0.03 lakh claims have been forwarded to DLC. • To undertake video conferencing with collectors and related officers to review the process of implementation of FRA and new guidelines may be issued to expedite the implementation process. • It was decided to allow pre-1980 claims which have been jointly verified and titles should be distributed in such cases. • It was also decided to increase the last date of submission of claim forms so concerned collectors should be instructed to increase the date of submission.
Meeting of SLMC on 16th February 2009	• The Tribal Commissioner appraised about the progress of formation of FRCs and claims. The committee was informed that as against application of 392072 claims, around 102611 titles have been distributed so far. • Dissatisfaction was expressed at non-recognition of undisputed claims. • The forest department was instructed to carry out review at the block and sub-division level. The revenue and forest departments are to issue immediate title deeds in case of undisputed claims. • To instruct for convergence programs on land recognised under FRA. • In order to expedite the entry work on the website, outsourcing needs to be done. • Allocate essential funds to revenue and forest departments to carry out the implementation work. • Information was sought from the forest officers on the status of claim process inside the sanctuary and it was decided that a detailed report would be filed in the next meeting.
19th August 2010	• Direction to the Collectors to take appropriate action on CFR claims under 3(1) of the law within a definite time frame • Provide an opportunity to those who have not been able to submit their claims earlier. • Written intimation to the claimants whose claims have been rejected at the GS or SDLC level stating the reasons of rejection as well as informing them about the appeal process. • Include the name of the female spouse in the distributed title/ • Separate list of the PVTGs who have got titles and directions for

	detailed investigation at district level to ensure that none of the PVTGs are deprived of this benefit. • The claims from National park areas to be considered as per the provisions of the law and to prepare separate settlement proposals of these claimants. • Detailed proposal by the FD regarding conversion of the forest villages to revenue villages. • Forest Secretary to issue orders to handover all MFPs except the Nationalised MFPs according to PESA act
2nd December 2011	• Review of the status till date. • To undertake massive awareness campaigns at GP level, to use Radio, TV, newspapers and to attend meetings of the PRIs at GP, Block and District level for massive publicity of the campaign. • CEO, ZillaPanchayats to prepare integrated work plans guided by district Collectors to arrange funds from different line depts. and complete the work within 2 years. The activities include – land leveling, tube well digging, providing seed, fertilisers and pesticides and fencing for protection from wildlife. • Direction to the Collectors to take immediate action in consensus with FD and Tribal Welfare dept. on diversion of forest land under 3(2) of the Act.
7th December 2013 (Video conferencing by the CS with all Collectors)	• Ensure GS resolution on IFR/CFR claims; reconstitution of FRCs; verification of claims; validation (Satyapan) of evidence; process of filing appeals • Diversion of forest land for community use – preparing proposal at each panchayat • Ensure availability of claim forms free of cost at panchayat level and spreading awareness about the same • Massive awareness through newspaper, television, radio and regular meeting with people's representatives • Regular DLC meetings – at least once a month for review of the awareness campaign • Integrated action plan for land development and on convergence with the line department – proposal on fund requirement and demanding additional/ deficit fund from the ST/SC department. • Review all rejections at village level (where intimations have not been made) – these may be taken as 'under consideration' and adequate support should be provided for filing appeal in case of aggrieved persons.

	• Re-applications of earlier rejected claims should be considered as appeal and due procedures should be followed as per provisions of the law. • All titles must include name of wife, area, clear map of the area • Obtain certificate from GS by the collector that all claims have been duly considered and no further claims are pending for consideration and making decision • The issue of seasonal landscape in cases of community rights like those of pastoral communities should be taken into account. • For developing maps of traditional boundaries, the FRC will take help of villagers including elder/older people • All line departments would accountable for facilitating community rights (developmental rights) • Except 3(2), no tree cutting shall be allowed for any other kind of land • Boundary demarcation (munaro) to be done for recognised lands for undertaking improvement activities • Amended Rule 16, for increasing land productivity, the concerned line department shall prepare integrated action plan and seek additional funds from ST/SC department • Update all FRA implementation information in government of India website.
4th January 2013(Meeting of the sub-committee under SLMC)	***PCCF chaired the meeting and the following decisions were undertaken:*** • Publicity and arrangement of materials • Incorporate the amendments and print books in English and Hindi. Make copies of these books available to the officers and members at District, Subdivision, GP and FRCs. • Supply all FRCs the Hindi translation of FAQ published by Govt. of India. • Distribution of posters on key provisions of the Act at District, Block and village levels. • Provide the master trainers with the simplified material on CFR claim process. • To train 4 Master trainer from each District on 10.01.2013 at Raipur and invite officials from forest/Ag/Panchayat/RD and local MP/MLA/President/VP/Member of ZPs/JPs to this training camp. • Review of action taken as per the order of CS vide letter dt. 27.11.12 and video conferencing dt. 7.12.12. • Reconstitution of FRCs in the GS to be held between 23.01.13 to 26.01.13 and constitution of sub-committee under 4(1) (e) for

	conservation of forest, wild life and bio-diversity. • To release orders from the Govt. to treat the Titles issued under the Act equally as the Revenue land patta so that the title holders can get the benefit of different developmental programmes. • Construction of pillars for land demarcation of the title holders.
25th February 2013	• Review of the decisions taken by the sub-committee. • Decided to examine the impact of training and publicity. • FD to ask funds from the centre for construction of pillars • Decided to purchase GPS from the interest accrued on CAMPA fund of the FD • Claims for 13 developmental facilities i.e. school, hospital, AW, PDS shop, electricity and telephone lines, Tanks and other minor reservoirs, supply of drinking water, water and rain water harvesting structures, MI canals, non-conventional energy sources, skill development or business training centers, roads and community centers under3(2) of the Act should be duly recommended by the GS • FD to take initiative within 7days and the Nodal agency Tribal dept. to ensure immediate action regarding earlier decision to adopt 50 model villages (2-3 from each district) for implementation of the provisions under FRA for wider replication • To finally resolve the claims of OTFDs at GS and also see how much OTFD cases are endorsed by the GS • FD to examine the rejected CFR claims and find out for which developmental activities the claims have been made, categorise them and prepare a statistical report. • To ensure distribution of prepared titles through camps after discussion with 3 district collectors of Sarguja Circle (sambhag)

Table 4.2.8 - Presence of revenue officials and forest officials during verification of claims.

S. No	District	Total No of Sample claimant	Presence of Forest Officials	Presence of Revenue Officials
1	Bilaspur	80	36	44
2	Dhamtari	80	64	62
3	Korba	80	69	69

Table 4.2.9: Analysis of area claimed vs. area approved for MoolgaonVillage (Dhamtari)

Claimant no	Claimed land (Ha)	Approved Land (Ha)	Difference
1	NA	3.68	0
2	NA	1.31	0
3	NA	3.51	0
4	NA	2.3	0
5	NA	2.75	0
6	NA	1.6	0
7	NA	0.97	0
8	NA	1.056	0
9	1.08	1.78	0.7
10	2	0.69	-1.31
11	1.4	0.83	-0.57
12	4.1	3.8	-0.3
13	2	3.73	1.73
14	2.8	2.32	-0.48
15	2.8	2.32	-0.48

Claimant no	Claimed land (Ha)	Approved Land (Ha)	Difference
16	2.3	1.7	-0.6
17	1.4	0.81	-0.59
18	2.2	1.25	-0.95
19	2.2	1.25	-0.95
20	2.2	1.71	-0.49
21	0.42	0.37	-0.05
22	0.9	1.09	0.19
23	0.42	0.75	0.33
24	2.52	0.77	-1.75
25	1.8	2.42	0.62
26	1.4	1.95	0.55
27	3.5	2.9	-0.6
28	2.6	0.87	-1.73
29	1.6	3.15	1.55
30	1.6	3.04	1.44
31	2	2.11	0.11
32	2	1.17	-0.83
33	1.46	0.21	-1.25
34	2.5	1.86	-0.64

35	1.3	0.58	-0.72
36	0.9	0.61	-0.29
37	1.2	0.39	-0.81
38	2.2	0.6	-1.6
39	1.8	2.01	0.21
40	1.62	2.76	1.14
41	0.82	1.35	0.53
42	2.6	3.9	1.3
43	2.4	1.02	-1.38
44	2.7	3.5	0.8
45	2.2	1.98	-0.22
46	1.8	1.92	0.12
47	1.8	1.59	-0.21
48	1.6	1.81	0.21

Claimant no	Claimed land (Ha)	Approved Land (Ha)	Difference
49	0.42	1.42	1
50	0.4	0.54	0.14
51	1.2	1.27	0.07
52	1	0.33	-0.67
53	4	3.44	-0.56
54	1.28	0.95	-0.33
55	0.8	3.81	3.01
56	1.7	0.95	-0.75
57	1	4	3
58	1.3	1.25	-0.05
59	1.3	0.98	-0.32
60	0.8	0.86	0.06
61	1.8	1.52	-0.28
62	2.2	3.82	1.62
63	1.2	1.74	0.54
64	1.8	1.44	-0.36
65	1.2	0.77	-0.43
66	0.42	0.1	-0.32
67	0.9	0.87	-0.03
68	0.6	0.76	0.16
69	1.4	3.1	1.7
70	0.6	0.95	0.35

71	0.88	1.33	0.45
72	1.22	2.48	1.26
73	1.4	2.94	1.54
74	0.9	0.49	-0.41
75	2.9	3.75	0.85
76	1	1.13	0.13
77	1.8	2.25	0.45
78	0.8	0.15	-0.65

Claimant no	Claimed land (Ha)	Approved Land (Ha)	Difference
79	0.92	0.91	-0.01
80	1.028	2.18	1.152
81	4	1.64	-2.36
82	2.9	0.95	-1.95
83	1.6	2.78	1.18
84	2.9	0.27	-2.63
85	1.22	2.94	1.72
86	3	3.97	0.97
87	4.4	2.91	-1.49

Table 4.2.10: Rejection of Claims at Different Levels

S. No	District	No. of Rejected cases	Level of rejection			
			G.S	SDLC	DLC	Total
1.	Bilaspur	53	53	0	0	53
2.	Dhamtari	5	5	0	0	5
3.	Korba	2	2	0	0	2

Table 4.2.11 : Reason for rejection

S. No	District	No. of Rejected cases	Reason			
			Unclear	*Ghas-pus ka land*	*New Occupied land*	*Sanctuary*
1	Bilaspur	53	43	3	6	1
2	Dhamtari	5	5	0	0	0
3	Korba	2	2	0	0	0

Table 4.2.12: SDLC and DLC level status of approved claimed (IFR and CFR) and average land recognized

IFR	Pendraroad SDLC	Bilaspur	Kurud SDLC	Dhamtari	Kathghora SDLC	Korba
No of ST claims	26476	15804	NA	12294	7787	47659
ST claims approved	10215	15804		9190	6421	24674
% of approval	38.58	100.00		74.75	82.46	51.77
Land recognised	13588.13	8047.93		12600.53	0.00	12371.74
Average land/claim approved	1.33	0.51		1.02	0.00	0.50
OTFD claims	4770	12081	NA	941	5868	24674
Claims approved	0	0	0	941	0	0
% of approval	0	0	0	100	0	0
Land recognised	0	0	0	1804.134	0	0
Avg. land/claim approved	0	0	0	1.92	0	0
Total claims	31246	60147	440	13235	13655	47659
Claims approved	10215	15804	379	10131	6421	24674
% of approval	32.69	26.28	86.14	76.55	47.02	51.77
Land recognised	13588.13	8047.93	420.973	14404.66	NA	12371.74
Avg. land/claim approved	1.33	0.51	1.11	1.42	NA	0.50
CFR	**Pendraroad SDLC**	**Bilaspur**	**Kurud SDLC**	**Dhamtari**	**Kathghora SDLC**	**Korba**
No of ST claims	362	510	0	359	0	0
ST claims approved	255	339/441	0	285	0	0
% of approval	70.44	66.47	0.00	79.39	0.00	0.00
Land Recognised	212.033	600.975	0	391.4	0	0
Average land/claim approved	0.83	1.77	0.00	1.37	0	0
OTFD claims	0	45	0	0	0	0
Claims approved	0	45	0	0	0	0
% of approval	0	100	0	0	0	0
Land Recognised	0	44.086	0	0	0	0
Avg. land/claim approved		0.98	0	0	0	0
Total claims	362	555	0	359	0	0
Claims approved	255	384	0	285	0	0
% of approval	70.44	69.19	0.00	79.39	0	0
Land Recognised	212.033	645.061	0	391.4	0	0
Avg. land/claim approved	0.83	1.68	0.00	1.37	0	0

Table 4.2.13: Summary of letters, circulars, and directives on FRA issued by the Government of Chhattisgarh

Issuing Authority	Order No. & Date	Subject
SLMC	7th Feb, 2008 14th Feb, 2008 29th Feb, 2008	Formation of SLMC Inclusion of People's representative in SLMC Mr.SiddthnathPaikra replaced Mr.RamvicharNetam in SLMC
Chief Secretary	19th Decr, 2011	Regarding special campaign from 15th January to 15th February 2012 as the process has slowed down which was noted in the SLMC meeting held on 2nd December, 2011. Special focus: facilitating appeals and supporting left-outs in first phase. Support GS in the above and depute staffs from Revenue and Forest departments
	27th Nov, 2012	Government of Chhattisgarh appraising on the 2012 amendment rules with detailed explanation and directing all Collectors to initiate suitable steps towards implementation of FRA as per the 2012 amendment rules.
Addl.Secy.	21st Dec, 2012	Directions to all Collectors • With reference to the video conferencing review done on 7th Dec 2012 by the Chief Secretary – to initiate action along the following lines (this constitutes the summary of video conferencing) • Ensure GS resolution on IFR/CFR claims; reconstitution of FRCs; verification of claims; validation (Satyapan) of evidence; process of making application for appeal • Diversion of forest land for community use – preparing proposal at each panchayat • Ensure availability of claim forms free of cost at panchayat level • Massive awareness through newspaper, television, radio and

		regular meeting with people's representatives • Regularised DLC meeting – at least once a month for review of the awareness campaign • Information regarding making available of claim forms at panchayat level • Integrated action plan for land development and on convergence with the line department – proposal on fund requirement and demanding additional/ deficit fund from the ST/SC department. • Review all rejections at village level (where intimations have not been made) may be taken as 'under consideration' and adequate support should be provided for filing appeal in case of aggrieved persons. • Re-applications of earlier rejected claims should be considered as appeal and due procedures should be followed as per provisions of the law. • All titles must include name of wife, area, clear map of the area • Obtain certificate from GS by the collector that all claims have been duly considered and no further claims are pending for consideration and making decision • The issue of seasonal landscape in cases of community rights like pastoral lands should be taken into account. • For developing maps of traditional boundaries, the FRC will take help of villagers including elder/older people • All line department would accountable for facilitating community rights (developmental rights) • Except 3(2), no tree cutting shall be allowed for any other kind of land • Boundary demarcation (munaro) to be done for recognised

		lands for undertaking improvement activities • Amended Rule 16, for increasing land productivity, the concerned line department shall prepare integrated action plan and seek additional funds from ST/SC department • Update all FRA implementation information in government of India website
Tribal Dev. Dept.	7th Jan, 2012	Letter from Commissioner, ST/SC Development Department to all collectors apprising them of meeting proceedings of SLMC held on 02.12.2011 and send to them; further Chief Secretary's letter dated 19.12.2011 issuing directions for carrying out special campaign in the second phase (15th Jan to 15th Feb 2012). In this regard, the letter notes the following: *during special campaign, issues related to boundary disputes, appeal cases, left-out right-holders were supposed to be addressed.*
	10th Jan, 2012	Direction to all collectors referring to letter dated 08.02.2008 regarding filling up of reporting formats and sending it to the higher office. This letter is a reminder and a list of formats is also attached as a reminder. To all Collectors instructing facilitating support to such persons whose claims have been rejected due to: • Absence of proper written application. • No occupation over forest land • Inadequate information on the status of land with regard to GhasBhumi, Abadi and Padat bhumi • Lack of information on land under occupation for ancillary activities • It is further noted that such claims have rejected at the gramsabha without giving adequate attention or opportunity to the candidate to explain ones position and keeping the claimant ignorant about his right to appeal. • It directs them to facilitate the appeal process as per Rule 14 under the Act. A format for letter of intimation to the claimant is also attached (the possible reasons include: post 2005

		occupation in case of ST, for SC – post 2005 occupation, the 75 years clause or the absence of proof for 3 generations; occupation over questionable land & others – *ghas, pahad, chhatan, panike niche, abadi, charagah, nistarkeliyearakshit*); occupation over somebody else's land, occupation on land under collective community use – government offices, playground, traditional worship places, gouthan, dabri/talab etc.); any other reason… • To all Collectors information about the special second phase campaign. It instructs forming of joint teams of revenue and forest department who should jointly carry out proper awareness campaigns at village level. • Asking for information in Prapatra 1,2 and 3 within one week – this information has not been received till date. • Collectors to review the implementation progress and ensure submission of progress reports in prescribed format through DLC • To ensure inclusion of such hamlets/ tolas that are not part of any gramsabha – to prepare a list and take necessary action • Conducting gramsabha as per PESA • Consolidate information on claims received, accepted, rejected and pending claims gram-sabha wise • Regular submission of quarterly report in form C-6, C-7, C-8

	3rd Nov, 2012	• To all Collectors expressing dissatisfaction over very low recognition of community rights. (ST – 235318; OTFD – 5720/ Community Rights – 2554). It suggest that inspite of directions time to time, the progress has not been satisfactory. It further directs the collectors to speed up the process to facilitate 100% coverage of eligible right holders, rights under Sec 3(2), making changes in land records, post claim support – convergence, proposals for conversion of forest land into non-forest land as per Sec 3(2) – to be prepared by the user departments (the letter notes that this specific action has been completely zero i.e. no initiatives at all have been taken in this regard). – A letter in this regard was also issued by the ST/SC department on 13.08.2009. The letter directs the collectors to review and file a progress report for the upcoming SLMC meeting. • Above information specifically for PVTGs • Ensure intimation of rejection to claimant • Consolidate information on CFR claims • Organise forest management committees as per Sec 4(1) • Undertake massive awareness campaigns – preparing plans for the same • Physical monitoring of implementation work • Update info in the website at regular intervals
	7th Dec, 2012	To all Collectors directing constituting join team of revenue and forest department to sort out boundary disputes to facilitate recognition of claims under FRA (Orange area related). It further directs to carry out special campaign to facilitate appeal process and include left-out eligible right holders.

	12th Dec, 2012	To all Additional Commissioner, Tribal Development expressing dissatisfaction at the minimum role played by ST/SC department in FRA implementation. The letter further reiterates that the said department is the nodal agency for implementing FRA – this ranges from the Central government to the State governments – at all levels, the tribal department is the nodal agency and the letter insists that they perform their role. It further elaborates the same points as mentioned in an earlier letter from the Chief Secretary on FRA implementation.
Commissioner, Bilaspur		Instruction to prepare follow up report based on directions by SLMC A review meeting is now organised to take stock of the situation at Raipur and the date is 7th April 2012. Please send your progress reports in prescribed format to this office by 03.04.2012. All project directors, upper collectors, additional commissioners and divisional forest officers are directed to attend this meeting

ODISHA:

Annexure.3.3.1: Number of respondents surveyed and there awareness level - Keonjhar

Awareness Level among various types of Respondent												
		Type of Respondent	No of respondent	General Awareness			Awareness About Law			No Awareness		
				Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012
Orissa	Keonjhar	Claimants	70	70	20	5	5	0	0	0	50	65
		FRC Members	12	12	6	4	3	0	0	0	6	8
		Forest Officials	5	5	3	3	3	2	3	0	2	2
		Revenue Officials	6	6	4	2	3	2	1	0	2	4
		PRI Members	8	8	4	3	2	2	1	0	4	5

Annexure4.3.2: Number of respondents surveyed and there awareness level - Dhenkanal

Awareness Level among various types of Respondent												
		Type of Respondent	No of respondent	General Awareness			Awareness About Law			No Awareness		
				Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012
Orissa	Dhenkanal	Claimants	70	70(100.0)	6(8.6)	2(2.9)	5(7.14)	4(5.7)	1(1.4)	0	64(91.4)	68(97.1)
		FRC Members	18	18(100.0)	5(27.8)	4(22.2)	`2(11.1)	2(11.1)	2(11.1)	0	0	0
		Forest Officials	2	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	2(100.0)	0	0	0
		Revenue Officials	3	3(100.0)	3(100.0)	3(100.0)	3(100.0)	3(100.0)	3(100.0)	0	0	0
		PRI Members	4	4(100.0)	4(100.0)	4(100.0)	1(25.0)	1(25.0)	1(25.0)	0	0	0

Annexure4.3.3: Number of respondents surveyed and there awareness level - Koraput

Awareness Level among various types of Respondent												
		Type of Respondent	No of respondent	General Awareness			Awareness About Law			No Awareness		
				Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012	Individual Rights	CR &CFR	Amendment - 2012
Odisha	Koraput	Claimants	82	82(100.0)	18(21.9)	0	5(6.1)	4(4.8)	1(1.2)	0	64(78.0)	82(100.0)
		FRC Members	21	21(100.0)	21(100.0)	21(100.0)	5(23.8)	5(23.8)	5(23.8)	0	0	0
		Forest Officials	3	3(100.0)	3(100.0)	3(100.0)	3(100.0)	3(100.0)	3(100.0)	0	0	0
		Revenue Officials	3	3(100.0)	3(100.0)	3(100.0)	3(100.0)	3(100.0)	3(100.0)	0	0	0
		PRI Members	6	6(100.0)	6(100.0)	6(100.0)	2(33.3)	2(33.3)	2(33.3)	0	0	0

Annexure.4.3.4: Convergence in the sample villages

Convergence in sample villages												
SI.No	Orissa	District	Sample village	No. of certificate of titles distributed to individual claimant	IAY	Mo Kudia	Mo Pokhari	Land Dev. Under MGNREGA	National horticulture Mission	National bamboo Mission	Other Programmes	Total
1		Keonjhar	Kadalibadi	43	0	0	0	10	0	0	11(CCD) + 2 (Backyard Plantation)	13
2			Hatisila	49(1 Pending with ITDA)	0	0	0	10	0	0	2 (Backyard Plantation)	12

3			Upper Champai	86	0	0	0	0	8 (Guava and mango plantation)	0	0	8
4			upper Baitarani	80	0	0	0	10	0	0	18(CCD)+ 2 (Backyard Plantation)	30
5		Koraput	Khirajhola	0	0	0	0	36	0	0	0	36
6			Nilampadu	0	0	0	0	45	0	0	0	45
7			Podapadar	0	0	0	0	9	0	0	0	9
8			Dumuriguda	0	0	0	0	40	0	0	0	40
9		Dhenkanal	Balikuma	0	0	0	0	0	0	0	0	0
10			Khuribhang	0	0	0	0	0	0	0	0	0
11			Tariniposi	0	0	0	0	0	0	0	0	0
12			Sahala	0	0	0	0	0	0	0	0	0

Note: The convergence programme under Backyard plantation and Land development in Keonjhar district was not available village wise and a combined list including all the villages under JDA area (35) was available, so the figure mentioned under the respective village was an average of the total (Land development - 321, Backyard plantation 60) for a total of 35 villages the convergence activities undertaken at village Upper Champai was collected from primary sources as officials records are not available.

Conservation cum community Development(CCD) is a Central Sponsored Programme meant for the PTGs.

Annexure.4.3.5 : Status of community claim in the sample villages

Status of Community Claims in sample villages															
SI. No		**District**	**No of sample villages**	**No. of claims received by FRC**	**No of claims verified and send to G.S**	**G.S To SDLC**	**Area in acres**	**No of claims verified by SDLC and submitted to DLC**	**Finally approved for titles by DLC**		**Area in acres**		**no. of claims rejected by G.S**	**No. of claims rejected by SDLC**	**No. of Claims Rejected by DLC**
									Community	3 (2)	Community	3 (2)			
1	**Orissa**	Keonjhar	Kadalibadi	1	1	1	0	0	0		0		0	0	0
2			Hatisila	2	2	2	13.13	1	1		13.8		0	0	0
3			Rodhua	1	1	1	0	0	0		0		0	0	0
4			upper Baitarani	1	1	1	0	0	0		0		0	0	0
5		Koraput	Khirajhola	1	1	1	85	0	0	0	0	0	0	0	0
6			Nilampadu	1	1	1	89	0	0	0	0	0	0	0	0

7			Podapadar	0	0	0	0	0	0	0	0	0	0	0	0
8			Dumuriguda	0	0	0	0	0	0	0	0	0	0	0	0
9		Dhenkanal	Balikuma	0	0	0	0	0	0	0	0	0	0	0	0
10			Khuribhang	0	0	0	0	0	0	0	0	0	0	0	0
11			Tariniposi	0	0	0	0	0	0	0	0	0	0	0	0
12			Sahala	0	0	0	0	0	0	0	0	0	0	0	0

Note: Pidha claim was jointly made by all the villages coming under three Pidha (Sathakhanda,Kathua,Jharkhanda) and sample villages are among them.

Annexure.4.3.6: Status of convergence claim in the sample District & State

Convergence as on December 2012										
SI. No	**District**	**No. to certificate of titles distributed to individual claimant**	**IAY**	**Mo Kudia**	**Mo Pokhari**	**Land Dev. Under MGNREGA**	**National Horticulture Mission**	**National Bamboo Mission**	**Other Programmes**	**Total**
1	Keonjhar	38728	12065	776	266				9683	22790
2	Dhenkanal	5550	1813	3	852	40				2708
3	Koraput	23512	5969	58	429	4105	622		2229	13412
4	State Total	311688	87729	3408	4802	39610	5322	99	22516	173486

Annexure.4.3.7: Status of Individual claim in the sample District & State

Status of Individual claims											
SI.No	**District**	**No. of claims received by FRC**	**No of claims verified and send to G.S**	**No. of claims verified by G.S and submitted to SDLC**	**Area in acres**	**No of claims verified by SDLC and submitted to DLC**	**Finally approved for titles by DLC**	**Area in acres**	**no. of claims rejected by G.S**	**No. of claims rejected by SDLC**	**No. of Claims Rejected by DLC**
1	Keonjhar	54688	54688	42286	72669.68	39451	39451	37624.9	12407	2835	0
2	Dhenkanal	12529	12529	12529	17389.57	6109	6109	8595.04	0	5078	0
3	Koraput	33710	30733	28186	40809.82	28186	24621	38238.55	0	0	0
4	State Total	637079	613386	424943	677659.6	331925	324737	520014.5	74318	60744	1284

Annexure.4.3.8: Status of community claim in the sample District & State

Status of Community Claims													
SI. No	**District**	**No. of claims received by FRC**	**No of claims verified and send to G.S**	**No. of claims verified by G.S and submitted to SDLC**	**Area in acres**	**No of claims verified by SDLC and submitted to DLC**	**Finally approved for titles by DLC**		**Area in acres**		**no. of claims rejected by G.S**	**No. of claims rejected by SDLC**	**No. of Claims Rejected by DLC**
							Community	3 (2)	Community	3 (2)			
1	Keonjhar	394	382	361	14187.62	343	343	205	13835.31	259.36	21	18	0
2	Dhenkanal	72	68	68	209.07	60	64	37	166.82	105.84	0	0	0
3	Koraput	330	99	99	4270.73	99	58		2780.87	0			0
4	**State Total**	**5391**	**4524**	**3685**	**250035.9**	**3019**	**2908**	**376**	**225332.8**	**536.89**	**466**	**148**	**0**

Annexure- II

A set of Schedules

National Research Study on Implementation of Forest Rights Act in Neighboring States of Odisha

Directorate of Scheduled Castes & Scheduled Tribes Research and Training Institute (SCSTRTI), CRP Square, Bhubaneswar

I - VILLAGE SCHEDULE

1 **IDENTIFICATION:**

Sl. No	Item	Name							
1	State								
2	District								
3	Block								
4	G.P.								
5	Name of the Village (Forest/Unsurveyed/forest Habitations)								
7	Name of Hamlets	No of House Hold			Total Population				
		ST	OTFD	Total	ST		OTFD		Total
					M	F	M	F	
7.1									
7.2									
7.3									
7.4									
7.5									
Total									

2 BASIC INFORMATION OF THE STUDYVILLAGE

2.1 Village History- History of habitation and settlement

2.1.1. Situation:

		Hill top	Hill Slope	Foot Hill	River or Stream Bank	Plains	others
Inside Forest	Hamlet-1						
	Hamlet-2						
	Hamlet-3						
Forest Fringe village	Hamlet-1						
	Hamlet-2						
	Hamlet-3						

Note: Put a tick mark in appropriate column.

2.2. Housing pattern:

		Thatched roof*	Tiled roof*	RCC roof*
Inside Forest	Hamlet-1			
	Hamlet-2			
	Hamlet-3			
Forest Fringe village	Hamlet-1			
	Hamlet-2			
	Hamlet-3			

*in numbers.

2.3. Land Occupation.

Types of Land Occupied/Possessed for Habitation & Cultivation	No of HH	
	ST	OTFD
	Land Occupied in acre	Land Occupied in acre
In Non- ForestLand		
In ForestLand		
Community Purpose		

3. **Total geographical area of the village :**

4. **TotalForest area of the village :**

5. **Village Map if any (collect a copy of the map) and also draw a participatory villagemapping :**

6. **Location/ important features of the village :**

Features	North	South	East	West
Sacred Grove				
VillageForest				
ArableLand				
Shrines for Deities				
Water Sources				
Cremation/ Burial Ground				
Grazing Land				
Community Hall				

Note: Put a tick mark in appropriate column.

7. Forest within customary boundary:

Sl.No	Traditional name of the forest/Hill/ Donger	Area in acres	Types of resource access & use by the villagers	Types of resource access & use by other villagers	Frequency of use											
					Season- Jan- March			Season- April to June			Season - July Sept			Season- Sept to Dec		
					a	b	c	a	b	c	c	b	c	a	b	c
1																
2																
3																
Total																

Note: a-regularly using, b-occasionally using, c- rarely using

7.2. Forest outside customary boundary:

Sl.No	Traditional name of the forest/Hill/Donger	Acres	Types of resource access & use by the villagers	Distance from the village in km	Frequency of use										
					Season- Jan-March			Season- April to June			Season -Jan- March		Season- April to June		
					a	b	a	b	a	b	a	b	a	b	c
1															
2															
3															
Total															

Note: a-regularly using, b-occasionally using, c- rarely using

8. Village level institution:

Sl.No.	Types	✓ Mark
1	Temple/ Church/ Mosque	
2	Dormitory /Community Centre/ Youth Club	
3	SHG/Mahila Mandal/ Samiti	
4	PaniPancayat	
5	VSS/JFMC	
6	Palli Sabha/Gram Sabha	
8	FRC	
9	NGO/CBO (specify)	
10	Traditional Institution (Dormitory, Village panchayat)	
11	Other (Specify)	

Note: Put a tick mark in appropriate column.

9. Date of formation of FRC?

10. Process of formation of the FRC

10.1. Who initiated the process?

10.2. How were the members elected?

10.3. Role of Gram Sabha/Palli Sabha in process of FRCformation.

10.4. At what level was the FRC formed (hamlet, revenue village, panchayat)?

10.5. If a forest or unsurveyed village, whether FRC has been constituted?

11. Are there any issue about the FRC formation and its functioning? If yes, how it has been resolved?

12. Whether FRC has been re-constituted according to Amendment Rules 2012? If not explain why?

13. How many times has the FRC met since its formation and major issues discussed.

14. How the FRC has initiated verification of claims?

15. Has FRC initiated govt officials prior to the verification process? Whether the government officials were present during the verification process? If not explain why?

16. Whether the verification report with maps has been shared by FRC with Gram Sabha?

17. Did the FRCdeny to receive claims? If yes, please specify the reasons?

18. Do you know the provision of for filing petition in case of any grievanceunder the Act and Rules? If Yes have you filed petition? If yes, where have you filed the petition (Gram Sabha/SDLC/DLC) and what is the present status of the petition?

19. How many claims have been rejected by palli sabha/gram sabha? Specify reason of such rejection?

20. How many claims have been rejected by SDLC? Whether the SDLC has provided information to the Gram Sabha and claimant about reasons for such rejection?

21. What do you mean by community right ? Do you know about the provisions for community rights and right to community forest resources under FRA? Do you have any community right to be claimed underFRA?

22. Has the village submitted any claims on community rights? If yes, what was the process followed?Please draw a process diagram. (Please append a xerox copy of the application along with details ifavailable)

23. Typology of community rights claimed

Sl.No	**Types of Rights**	**Whether Claimed Yes/No**	**Rights Recognised Yes/No**	**Remarks**
	Water Bodies			
	Traditional Knowledge			
	Fishing			
	NTFP			
	Shifting Cultivation			
	Nistari Rights			
	Habitat Right			
	Grazing Right			
	Right to community forest resources			
	Any Others			

24. Who initiated the CFR claim making process? Whether SDLC has taken steps in awareness buildingand providing necessary documentary support in this regard as per the act?

25. Was any physical verification of community rights claims done? Who carried out the verification and what was the process followed?

26. Were neighbouring Gram Sabhas consulted before the community rights claims submitted? Was their consent obtained? Please describe the process.

27. Are you aware of present status of the community rights application? How are you obtaining the information to this effect?

28. Whether any of your rights claimed is not recognised in the title?

29. Are there any local conflicts related to rights settlement/ conflicting claims? Please describe the conflict in brief and how the conflicts are being resolved by the FRC and Gram Sabha.

PARTICULARLY VULNERABLE TRIBAL GROUPS (PTG)ANDPRE-AGRICULTURAL COMMUNITIES (shifting cultivators)

30. Whether awareness building measures and facilitation of claims has been taken on habitat rights by SDLC and DLC?

31. Do you have the concept of habitat right in your community and functional traditional social institutions?

32. Do you have any documents/evidence in support of the habitat right?

33. Whether the government agency for development of PTG (e.g. micro project for PTG in Odisha and similar such agencies in AP and CG) has facilitated or supported the habitat claim making process?

34. Do you have shifting cultivation practice? If yes have you claimed shifting cultivation lands? What is the present status of your claim?

DIVERSION OF FORESTLAND FOR DEVELOPMENT FACILITIES:

35. Do you know of the provisions for diversion of forest land for developmental facilities under Sec3 (2) of the Act? What are the existing infrastructures (School, community Hall, Anganwadi, Temple etc) located on forest land?

36. Are there any proposals for diversion of forest land for any purposes under Section 3(2). Has any proposal for diversion of forest land been submitted to the Gram Sabha and whether the Gram Sabha has recommended any such plans proposed by the user agency?

PROTECTED AREAS (WILDLIFE SANCTUARIES/NATIONAL PARKS/TIGER RESERVES) (for villages located inside PA)

37. Whether your forest rights have been recognised under FRA?

38. Whether any discussion has taken place on declaration of critical wildlife habitat or critical tiger habitat?

39. Whether any relocation plan has been discussed in the village? If yes, what is the response from the community to such proposal for relocation?

40. What has been your view on the co-existence? Has the option of co-existence been discussed in the context of relocation?

PARTICIPATION OF WOMEN IN THE CLAIM PROCESS

41. What has been women involvement in the whole process of FRA?

42. Whether women members participate in the FRC and Gram Sabha proceedings as also in the process of claim making, verification etc?

43. Have you received support from any other organization? Please describe the nature of support received. (name the organization)

44. What you want to suggest to gram Sabha/Palli sabha for improving the implementation of FRA and concerns if any with regards to the rights recognition process? Please elaborate.

45. Do you feel any difference in owning managing & contributing forest after recognition of right- yes/no? if yes please explain.

46. Are you aware of the Amendment Rules 2012? If yes, what are your views?

47. Whether development programs have been converged and right holders have been covered in any such development programs (such as land development, farm ponds etc)?

48. If a forest village or unsurveyed village, whether any step has been taken for identification of the village and for conversion of the village into revenue village?

49. Whether Gram Sabha has taken any step to constitute committees for protection of forest and biodiversity and whether any conservation and management plan has been developed? (As per Section 5 and Rules 4 (1)(e, f, g))

48. SIGNATURES OF KEY INFORMANTS:

1. 2.
3. 4.
5. 6.
7. 8.
9. 10.

Place ..... **Signature of Investigator** .....

Date ..... **Name& Designation:** .....

2 - HOUSEHOLD SCHEDULE

1. Identification:

1.1. Name of the claimant_____

1.2 .Village: _____ , Hamlet_____

1.3. Gram Panchayat:_____

1.4. Block/Mandal: _____ 1.5. Sub Division:_____

1.6. Tahsil/Taluka: _____ 1.7. Dist._____

1.8. State_____

1.9 Community: (ST /PTG /SC /Other Traditional Forest Dweller)

_____

1.10 Mother tongue: _____

1.11 Whether a member of traditional Institutions like Pirha/Birinda/TU/Specify if any other: _____

1.12 Position in the FRC: (Chairman/ Member Secretary/ Member/ Not a member

_____

2. Family Composition:

Sl. No.	Relation with Head	Sex	Age	Marital status	Occupation		Total Income		Remarks
					Main	Subsidiary	Main	Subsidiary	
1									
2									
3									
4									
5									
6									

3. Beneficiary of Govt. Schemes/Programmes

Old age Pension Holder	Disabled Person	Widow Person	Beneficiary of Antodaya/ Arnapurna yojana	Land rights holder through FRA	Job Card	BPL/APL

4. Land holding pattern

Sl. No	Type of land	Patta Land			Non Patta Land			Non forest Land Occupied in acre
		land Area in acre			Forest land Area in acre			
		Total	Irrigated	Non-Irrigated	Occupied	Purchased (Informal)	Allotted by Govt. (any lease land)	
1	Homestead							
2	Agriculture							
Total								

4.1.Land use Pattern

Land Use	Area in acre
Settled cultivation	
Shifting Cultivation	
Kitchen Garden	
Horticulture	
Any allied activity ancillary to cultivation (such as for keeping cattle, for winnowing and other post-harvest activities, rotational fallows, tree crops and storage of produce), please specify	

5.1. Claims

1. If FRC has been constituted or not in your village- yes/no
2. Since when FRC is constituted in your village:

   Within a year/ 1-2 years/ 2-3 years/ more than 3 years

Note: Put a tick mark in appropriate column.

5.2. Claim process

Process steps	Response and Remark
Whether call for claim is invited by Gram Sabha If yes how did you know about it	Yes/no
Where you have submitted your claim?	FRC/any other (specify)
WhetherFRC acknowledge and retain claims and evidence.	Yes/No
What evidence you have provided along with the claims?	
Have you been intimated about verification of claims prior to the field verification?	Yes/No
Weather forest officials and revenue officials are present during the verification of claim	Yes/No
Whether after verification the FRC has shared the verification report with the Gram Sabha/Palli Sabha and you have been informed about it.	Yes/No
If there is any rejection or modification of your claims by Gram Sabha/SDLC/DLCwhether you were informed about it?	Yes/No

5.3. Status of Claim under FRA

Area of ForestLand claimed (in acre)	Type of forest over which it was claimed (reserve forest, protected forest, wildlife sanctuary, national park, any other)	Area of Title received	Rejection of Claim	Reasons for rejection	Remarks

5.4. Is there is any patch of forest land under your occupation, which has not been claimed under FRA.

- If Yes why.

5.5. Have you applied land under shifting cultivation (again whether shifting cultivation overforest land or over non-forest land)? Yes/No

- If No, Why?
- If Yes What is the Status
- If no, what is your view on it?
- Since how long you have been cultivating /Types of crops Area/ Traditional name of the patch etc.

5.6. Have you obtained the title certificate, If yes, in whose name. Give details.

6. What kind of support do you expect from the govt to improve your land and ivelihood?

6.1. Are you aware of the schemes/support given for land development?

- If Yes, have you benefitted by those schemes,. What are the schemes?
- What are the activities undertaken for development of your forest land under those schemes.

50. Problems Experienced regarding schemes/support given for land development.

8. Are you happy with support extended by FRC(supply, filling and submission of form, preparation of map, joint verification of land, Whether you were present during the verification process, Have you paid anything for recognition of right, etc.)

Nature of support from FRC	Satisfaction Level		
	Poor	Average	Good
Supply of Form			
Filling up forms			
Providing acknowledgement			
Providing information regarding claim process			
Intimation for verification			
Maintaining of records and evidences			
overall			

8.1 Any suggestion for Improvement with regard to support from FRC.

9. Are you satisfied for the facilities extended to you by Govt. in the process of claim making, verification and recognition of rights under FRA?

Nature of support from govt authorities	Satisfaction Level		
	Poor	Average	Good
Awareness programme regarding FRA			
Service provided by WEOs			
Maps and other document provided by officials			
Overall			

9.1 Any suggestion for Improvement with regard to support from govt authorities.

9.2 Is there any conflict over the land occupied/Claimed? If yes, mention nature of conflict and type of forest land ? How do you resolve the conflict?

10. Suggestions

-
-

lace …… Signature of the Respondent ……

Date …… Signature of the Investigator …….

3. FOCUS GROUP DISCUSSION (FGD) GUIDELINES

Members to be in group: (Community leader, FRC members, PRI members, Resource user group, women)

1. **Name of the habitation**

2. **Habitation**

   - History of settlement and evolution
   - Social category of inhabitant (Present and Past)

3. **Land and Forest Governance History (As per community)**

   - Any specific historical events and occurrences related to it which is still fresh in public memory
   - Whether they have any record to substantiate the governance pattern and important issues (any record or document if available copy of it needs to be collected.)

4. **Forest Protection**

   - Trace the forest protection history of the village/community.
   - The institutional structure of forest protection since those periods and changes in the institutional structure if any.

5. **Habitat or community resources**

   Whether the villages form a part of any bigger habitat of the PTGs?If yes, type of the sharing of the resources of the common habitat beyond the village boundary.

- Forest
- River/stream/water bodies

6. Shifting Cultivation History (If any)

-
-

7. Awareness about FRC

- Awareness created among the villagers about the FRA**.**

Organization/ Person	Time & Time	Place	Materials/ Mode used	Topic learned
SDLC				
NGOs				
Any other				

- The process of selection of FRC members.
- Representation and participation of resource dependant vulnerable groups such as PTGs, nomadic, pastoralists/shifting cultivators, MFP gatherers and women in the decision making process of Gram Sabha and FRC.
- Performances of FRC

8. <u>Tools and Assistances received</u>

1 Tools available with FRC for consideration of the claims (Maps/records etc.)

2 What are the guidelines/ assistance has been received from SDLC/DLC/Other quarters

9. <u>Claims made by the Community under the Act</u>

- Individual (ST/OFD)
- Community
- Habitat (PTG)
- Whether any part of the forest land has been used under JFM/VSS/Forest Development.
- Diversion of forest land for use of Development programmes (School/Hostel/Road/Tank etc.)
- Families not claimed(ST/PTG/OFD) reason thereof.

10. Whether the prescribed CFR claim making process followed in your village (need to detail what was the process that was followed and then match with the prescribed process…might not know what the process should have been).

(what was the process that was followed in CFR claim-making, please describe. What area was claimed – was it less (or more) than their traditional common forest area…

11. What were the problems encountered during the CR/CFR claim making and how the problem were sorted out.

12. <u>Claim rejection /remand status</u>

- No of cases rejected (ST/OFD/PTG/Community/Development Programmes)
- Reasons of rejection for each category.
- How you got information about rejection and from whome?
- Weather you file a petition against it.

13. <u>Programmes initiated on convergence after recognition of right</u>

- Is there any kind of schemes and programmes for the recognized land under your occupation?
- Status of your application for convergence and if implemented is there any benefit?
- What has been the follow-up from your side

14. <u>Problems/Suggestions/ Need Assessment</u>

Problems faced in implementation of FRA at village level:

- For extension of facilities and provisions under the FRA
- Illegal eviction of forest land occupants before their claims have been considered
- Gap between the amount of land being occupied and claimed by the forest dwellers and the pattas, which had been distributed.
- What steps have been taken by the gram Sabha/FRC to address the issue of less land recognized than what has been applied?
- Diversion of forestland for mining and other projects without recognition over the forest rights and consent of Gram Sabha
- Any other specify

10. Members Present

1. 2. 3.

4. 5. 6.

Place …… **Facilitator**

Date …… **Name:** ……

4. (FOCUS GROUP DISCUSSION FOR COLLECTION OF INFORMATION ABOUT FOREST RIGHTS COMMITTEE FROM THE MEMBERS OF FRC THE VILLAGE)

Name of Village ..... Hamlet..... GP: ..... Block/Mandal ....., Tehsil/Taluka

1. Constitution of Forest Rights Committee (FRC).

1.1 How and When the Forest Rights Committee was constituted? Explain the process of formation.

1.2 When the FRC was constituted whether the PalliSabha/Gram Sabha was held and decision wastaken with the required quorum of more than 2/3rd members of the Palli Sabha/Gram Sabha?

Note: Quorum of the Palli Sabha/Gram Sabha was 2/3rd prior to the amendment in rules in 2012.

1.3 Do the members themselves aware about their role and responsibility? Can you explain briefly.

1.4 Whether the members of FRC sit together and discuss issues and future course of action or a single or couple of individuals entrusted with all the responsibility of carrying out everything related to submission of claims?

1.5 Profiles of FRC members:

Sl. No	Name	Position in FRC	Category			Age	Gender	Major Source of Livelihood
			ST	PTG	OTFD			
1								
2								

3								
4								
5								
6								
7								
8								
9								
10								
11								
12								

2. Initiation of Process/Functions:

2.1 Has the GS initiated the process for determining the nature and extent of individual and community forest rights? if no, why? If yes, mention the following.

a. Receiving claims: Total _____ Individual _____ Community _____

b. Whether FRC provides acknowledgement afterreceiving of the claim application to the claimants?

c. Yes or no

d. Claims recommended to the Gram Sabha for further consideration and approval;

Total _____ Individual _____ Community _____

e. Resolution passed by the Gram Sabha: Total _____ Individual _____ Community _____ (enclose copy of Gram Sabha proceedings)

f. Claims sent to SDLC: Total _____ Individual _____ Community _____

g. Is there any gap between the amount of land being occupied and claimed? Provide details.

h. What steps are being taken or proposed to be taken by FRC/Gram Sabha if less than claimed land is being recognised.

If yes Plz explain. If no, why?

2.2 Whether Request has been made to government authorities for village maps, forest maps etc. and participation of FD officials for identification of claims and preparation of maps? Yes? No.

- If no, why?
- If yes, to whom and when (no. and date of communication)
- Explain, the process of verification

2.3 Was Prior intimation given to the concerned claimants before the field verification ?

- Yes/No.

- If no, what has been your role and what have you thought to address such an issue.

2.4 Whether prior information was given to govt officials (revenue, forest department) before the field verification?

Yes/No. Whether govt officials participated in the verification process and provided any support to the FRCto complete the process of verification and mapping. -

2.5 What records and documents were there with the verification team or are being used during verification of claims ?

2.6 Did the FRC before moving for field verification and demarcation, share the purpose with Claimants andrepresentatives of authorities concerned (FD/Revenue)?

Yes / No

2.7 Views of the FRC on the conflicting cases like, for a single patch of land more than one person has applied or for overlapping claims of more than one village.

- Do you know what is the process to resolve dispute?

- Whether such cases came before the FRC

- How the FRC resolved such issues

2.8 Has the Palli Sabha/Gram Sabhamet (As per Rule 11(5), whenever FRC presents their findings from the verification to it.
Yes/No.

2.9 Whether the proceedings of the SDLC meeting given to Palli / Gram Sabha so that they can know about its recommendations?
Yes/ No (if yes, furnish an authenticated copy of proceedings of the SDLC meeting).

2.10 Have you received any document showing the number and causes of rejection of claims from the SDLC? If yes are you satisfied with the kind of causes shown? Have you taken any step to address the issue?

2.11 Did the Palli /Gram Sabha, in turn, inform the persons affected who could avail the opportunity of appeal against such recommendations?

Yes/No.

2.12 Do you know the provision of right to appeal? If yes have you or any individual claimant have appealed before any authority?

2.13 Did the Forest Rights Committee verify the claims of pastoralist and nomadic tribes, particularly vulnerabletribal groups or pre□agricultural community when such individuals, communities or theirrepresentatives are present?

Yes/No. Ifno, why?(if applicable)

2.14 Indicate the determination of Community Rights (Nature and Extent)

Types of land	**Area in acre.**	**Present position**	**Remarks**
Village shrine			
Zahira/ Sarna			
Crematorium			
Orchards Grazing land			
Water source			
Forest with MFP			
Nistar Rights			
Pastoralist / Nomadic Tribes			
Habitat Rights			

Rights to community forest resources			
Any other specify			

2.15 Is the GS/FRC aware of the the provisions for demarcation of community forest resources within the traditional/customary boundary and forest area under protection? Yes/No.

2.16 Do the FRC know the provision for diversion of land for developmental purpose under Section 3 (2)?

If yes, mention land suggested for use of development purpose at village and their present status.

2.17 Problem faced during the implementation of claim process

2.18 Response from the government officials during the claim process and related issues and problems.

2.19 Whether FRC members are aware of the Amendment Rules 2012 and the key provisions therein?

2.20 Suggestions:

SIGNATURES OF KEY INFORMANTS:

1. 2.

3. 4.

5. 6.

Place ……Signature of Investigator ……

Date …… Name: ……

GOVERNMENT OF ODISHA
Scheduled Castes & Scheduled Tribes Research and Training Institute (SCSTRTI),
CRP Square, Bhubaneswar

5- INTERVIEW SCHEDULE

(For collection of information about SUB-DIVISIONAL LEVEL COMMITTEE from the Key Functionaries: Sub Collector/SO, ITDA/DWO, DFO, PRI members)

1. **Personal Identity:**
   a) Name: .....

   b) Designation: .....

   c) Office: .....

   d) Since when working in the present official position? .....

2. **Constitution of Sub-Divisional Level Committee**

   2.1.Date of Constitution of Sub-Divisional Level Committee:

   2.2.Name and Designation of Sub-Divisional Level Committee Members:

Sl no.	Names	Designation	ST/PTG		SC		OC	
			M	F	M	F	M	F
1		Sub-Collector, Chairman						
2		Tribal Welfare officer in charge of the sub-division, Member Secretary						
3		Forest department official in charge of the sub-division, Member						
4		PRI Member						
5		PRI Member						
6		PRI Member						
7		Any other member						
8		Member						

3. Functions of the Sub-Divisional Level Committee:

3.1. Whether any steps have been taken to create awareness about the Act and Rules by SDLC? If yes what are the strategies adopted to create awareness?

Details of the awareness programme						
Medium/Mode (Training programs, Campaign, posters, pamphlets, visuals etc)	No of programme organised since Last one year	Participants	Duration	Imparted by	No. of village covered	Post training follow up

3.2 How many Trainings have been organised at Sub-Divisional Level, by bringing together all concerned, including officials, elected non-officials and members of the civil society so that the procedures and the functions of authorities under the Act are made known to all?

Month/Year	Topic	Participants	Duration	Imparted by	Post training follow up

4. Have you come across any specific problems in the recognition of CR and CFR especiallywith regard to claims of multiple community/villages on a common forest land?

5. Can you site a particular case where SDLC has taken steps in resolving issues relating toconflicts in claim making process?

6. What steps have been taken to ensure that the Gram Sabha Meetings are conducted in free, open and fair manner with requisite quorum?

7. **What have been the criteria of rejection of individual, CR and CFR claims. Have you maintained a consolidated register showing all the rejected claims?**

8. **What steps have been taken for the diversion of forest land where claims have been made fordevelopment facilities under Section 3 (2)?**

9. **Have you intimated the claimants through the Gram Sabha of status of claims? If yes, how thishas been done?**

10. **Does the SDLC give opportunity to aggrieved claimants to file appeal and to hear the appeal**

11. **How many resolutions of the Gram Sabhas and their maps for individual and communitycases have been received and examined to ascertain the veracity of the claims?**

Sl no.	Types of Claim	No. of claims Received	No. of claims Examined	No of Claims rejected
1	Individual Claim			
2	Community Claim/Habitat			
Total				

12. **How many cases of disputes between Gram Sabhas on the nature and extent of any forest rights have been received, heard and adjudicated? Please state pending list of such cases with reasons.**

13. **Nature of conflicts/disputes:**

Number of conflict/dispute cases:					
Total Number of conflict	No of conflict received	No of conflict Heard	No of conflict adjudicate	No of conflict still pending	reason

14. **Have officials from Forest Department, Revenue Department and Welfare Department provided technical support in field verification of claims by the FRC? If yes, how has the SDLC provided such support and the process followed?**

15. **How many petitions have been filed by aggrieved persons before the SDLC since lasttwo year.**

16. **Whether the committee have prepared block or tehsil wise draft records of proposed forestrights after reconciliation of Government records? Yes/No.**

17. **How many Sub-Divisional Level Committee meetings are held since formation? (list date wise meetings) (Please enclose copies of the agenda notes and proceedings of all the meetings.)**

18. **What are the problems faced by SDLC in the implementation of the FRA? Please specify.**

    a)

    b)

    c)

    d)

    e)

19. **What would be your suggestions for overcoming these problems and for effective implementation of the FRA?**

    a)

    b)

Place …… **Signature of the Respondent**

Date …… **Designation with Seal**

6- INTERVIEW SCHEDULE FOR DISTRICT LEVEL COMMITTEE

1. Personal Identity:

b) Name: ..... b.Designation: .....

c. Office: .....

d. Since when working in the present official position? .....

2. Constitution of District Level Committee

2.1 Date of Constitution of District Level Committee:

2.2 Names and Designations of District Level Committee Members:

Sl no.	Names	Designation	ST/PTG		SC/FD		OC/FD	
			M	F	M	F	M	F
1		District Collector, Chairman						
2		DWO, Member Secretary						
		DFO, Member						
		PRI member						
		PRI member						
		PRI member						
		Any other member						

2.3. Provide details of the meetings of the DLC in the suggested format below.

SL NO	Date of the meeting	Purpose and important decisions

3. **Functions of District Level Committee –**

1. Whether revenue maps and electoral rolls to all the Gram Sabhas or the Forest Rights Committees have been provided?

Response	
Complied	Fully
	Partly (No. & %)
	Never

2. Whether all claims, especially those of particularly vulnerable tribal groups, pastoralists and nomadic tribes, have been facilitated and addressed?

Response	
Complied	Fully
	Partly (No. & %)
	Never

3. Whether the DLC has taken any step to ensure recognition of the rights to community forest resources in all villages?

4. How many FRCs have been constituted as per Section 2(p) of the Act, and made functional for the forest villages, unsurveyed villages, old habitations inside forests, which are technically not part of any Gram Panchayat? What steps have been taken to ensure recognition of the rights for conversion and settlement of the forest villages and unsurveyed villages into revenue village?

5. Status of claims received, considered and finally approved and granted record of forest rights sent by the District Level Committee. (Please attach status of claim in a separate sheet)

6. How many petitions(cases) from persons aggrieved by the orders of the Sub Divisional Level Committee have been heard?

Response

No of petitions received: ……

No of cases heard: ……

No of cases disposed off: Total ……Favoured …… Rejected ……

7. Is there any kind of communication or meetings with other districts regarding inter-district claims? If yes, give details of the cases.(copy to be attached if available)

8. What directions for incorporation of the forest rights in the relevant Government records including record of rights have been issued?

9. What are the steps that have been taken for publication of the final record of the forest rights?

10. What are the steps taken for providing certified copy of the record of the forest rights and title under the Act, as specified at Annexure-II & III to rules to the concerned claimant and the Gram Sabha respectively?

11. Nos. of District Level Committee meetings held: …… *(Please enclose photo copies of the agenda notes and proceedings of all the meetings.)*

12. Whether in-depth review of implementation of the Act in the district by collector and furnishing of review note along with the MPR to the nodal department i.e. ST & SC Development Department regularly on monthly basis are done? Yes /No. if no, reason thereof.

13. Whether MPRs are submitted to nodal agency regularly? What is the frequency of reporting?

14. Quarterly report on proposals submittedby Divisional Forest Officer (DFO) for use of Forest land for non forest purpose under Section 3 (2) and approval made by DLC.

15. What steps have been taken to provide post claim support and hand holding to the holders of forest rights? Whether convergence programs are developed and implemented for the benefit of holders of forest rights? If yes, what is the process followed. Please share any success story.

16. Who are Government authorities or committees penalized as per section 7 of the Act for violatingprovisions under the Act ?

Names Address

a.

b.

17. What are the problems you have faced in in implementation of the FRA?

a)

b)

18. What would be your suggestions for overcoming these problems and for effective implementation of the FRA?

a)

b)

c)

d)

e)

19. Please share any best practice adopted in the district for implementation of FRA and any success story.

Place …… **Signature of the Respondent**

Date …… **Designation with Seal**

7- INTERVIEW SCHEUDULE

STATE LEVEL MONITORING COMMITTEE

I. Identification Particulars:

a. Name: ..... b. Designation: .....

c. Office: .....

d. Since when working in the present official position? .....

II. Constitution of State Level Monitoring Committee

1. Date of Constitution of State Level Monitoring Committee: ……..
2. Name and Designation of Chairman: ....., Chief Secretary
3. Name and Designation of Member Secretary: .....
4. Names and designation of other Members:

Sl no.	Names	Designation	ST/PTG		SC/FD		OC/FD	
			M	F	M	F	M	F
1		Secretary, DM Department						
2		Revenue Dept.						
3		Secretary, ST &SC Dev Dept.						
4		Secretary, Forest Department						
5		Secretary,						

		Panchayati Raj Department						
6		Principal Chief Conservator of Forests						
7		TAC Member						
8		TAC Member						
9		TAC Member						
10		Any other members						

III. <u>Functions of the State Level Monitoring Committee</u>

1. What criteria and indicators are developed for monitoring the process of recognition and vesting of forest rights have been devised?

2. What steps are taken to monitor the process of claims, verification and vesting of forest rights in the state? What are the monitoring mechanisms followed by the SLMC?

3. What kind of reports are being compiled and submitted to the nodal agency and at what frequency?

4. What steps have been taken by the SLMC to address the provisions related to PTGs?

5. Whether any notice as mentioned in section 8 of the Act has been received? If so, mention number of such cases and actions taken against the concerned authorities under the Act.

Petitions/Nature		
Nature	**No. of Cases**	**Status**
Claims pending at authorities for long time and delay in processing of claims		
Amount of land claimed and recognized		
Denial of developmental Rights		
Any other		

6. Are petitions/complaints received at regular interval or rarely? If rarely, then complains, appeals and issues being raised before SLMC, what according to you might have been the cause to this? Is it because people are not sufficiently aware of the kind of redressal mechanism or something else?

7. What proactive steps have you taken for enabling aggrieved persons to approach the SLMC in case of violation of the law and forest rights of STs/OTFDs?

8. Can you refer an instance or example where SLMC has taken up issues which have got wider and larger ramifications in the state.

9. Whether the Committee has monitored resettlement under Sub-Section (2) of Section4 of the Act? How it was done?

10. The magnitude and extent of diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA.

Diversion of Forest Land		
Purpose	User agency	Area in acres

11. No of State Level Monitoring Committee meetings held: (Attach date wise list) *(Please enclose copies of the agenda notes and proceedings of all the meetings, written requisition to be submitted.)*

12. What are the problems faced during the implementation of the FRA?

a)

b)

13. What would be your suggestions for overcoming these problems and for effective implementation of the FRA?

a)

b)

14. What initiatives have been taken after notification of Amendment Rules 2012?

Place …… **Signature of the Respondent**

Date …… **Designation with Seal**

8 - SPECIAL SCHEDULE DESIGNED FOR FOCUS GROUP DISCUSSION WITH THE PARTICULARLY VULNERABLE TRIBAL GROUPS (PTGS)

(FGD to be conducted with community members, leaders of traditional community institution, village elders, women members of the PTG)

1. General

1.1 Name of the District:

1.2 Name of the PTG:

1.3 Type of land where they live:

Type of land	Area in acre
ReserveForest	
Protected Forest	
Protected area (National park, Sanctuary &Tiger reserve)	
Revenue land (including patta land)	
Revenue common land	

1.4 Language or Dialect spoken:

1.5 Social organization and leadership:

1.6 Name of the leader of the Group:

1.7 What are the specific problems of their group?

1.8 What are the govt programmes supporting their group?

1.9 Which govt policies adversely affecting their development?

1.10 The total population of the PTG under study in the district? Is the population of the group is static, declining or increasing?

1.11 How is their relationship with other group?

1.12 Whether they have any traditional right over the forest in the area.(attach a copy of document relating to traditional/customary rights if available)

1.13 Is the community is nomadic or settled?

2. Details of Hamlet or Village

2.1. Name of the hamlet or Village.

2.2. Total population of group in Hamlet.

Food Security

2.3. Whether all families are given BPL ration cards.

2.4. Whether there is any incident of Hunger death in past one year.

3. Occupational

Occupation				
Occupation Type	**Income per/annum/per house hold**	**Level of Dependency**		
		High	**Moderate**	**Low**
Agriculture				
Animal Husbandary				
Polutry				
Non-Agriculture				
Wage Labour				
Traditional Occupation				
Other (specify)				
Total				

4. Please explain about their traditional occupation

5. Political

5.1. Have they got registered as electorate in that area?

5.2. Have they any representation in any elected body?

5.3. If not, how they put forward their issue before authorities?

6. Awareness and Pre-Claim process

6.1 Do you know about your rights under FRA and the procedure for claimingthe rights?

6.2 Has there been any awareness program by any govt agency or NGO or individual on FRA since its implementation?

6.3 Was any material in writing or audio visual aids, used in such awarenessProgramme? Was it on local language?

6.4 Were all provisions of the FRA explained and in particular the provision the PTGs?

6.5 Was the provision of habitat explained during the training programmes?

6.6 Do, you have any kind of culturally embedded larger landscape traditionally

used, maintained and perceived as the area exclusive to yourcommunity (habitat) ?. If Yes Explain.

(Prepare and attach a map showing customary habitat, landscapes and resources of the PTG with the help of the participants.)

Note: The map can be drawn on the basis of discussions on the nature and extent of habitat.

6.7 Is there any traditional social institution still functional? If yes what is itand how is it related to the governance of the larger landscape (habitat).

7. Claim process

7.1 Has a FRC been set up in the PTG villages. Did any govt agency or NGO help with facilitating the process of FRC formation and claim making?

7.2 Have any claims been made and if so, at which stage are they? Any particularproblems?

7.3 If claims have been made, are they

- Individual Rights as per FRA provisions
- Community Rights as per FRA provisions

- Right to community forest resources

- Right to Habitat

7.4 What kinds of evidences are used especially for claiming community rights,right to CFR and habitat rights?

7.5 If the right to habitat has been claimed or discussed what is the PTGs understandings of this?

7.6 Is there any cases of rejection of claims? If yes whether they got theInformation about the reason for rejection?

7.7 What kind of titles has been used, and are there any problems with these?

8. Post-Claim Process

8.1. If claims have been accepted and titles given, is there any discussion or action by the PTG or govt agencies/NGOs to maximise the benefits through any post claim support such as:

- Land development/improvement

- Production arrangement

- Marketing support

- Credit arrangement

- Skill development training programme

8.2. Has there been a discussion within the PTG on governance and management of the habitat or of the CFRs, if these rights have beenclaimed? Has any form of planning started regarding this?

9. Role of the Micro Project Officer for the PTG

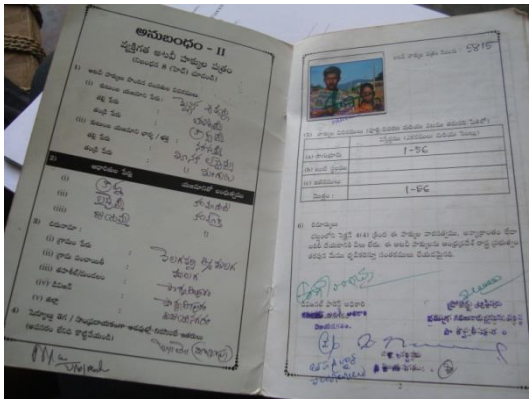
9.1. Does the group know the purpose of the Micro Project office and do they know the officer in charge of the group welfare?

9.2. What has been its involvement in the FRA process?

9.3. Is there any programme running under the micro project in their area? If yes, status of the programme?

Annexure- III - Photograph Section

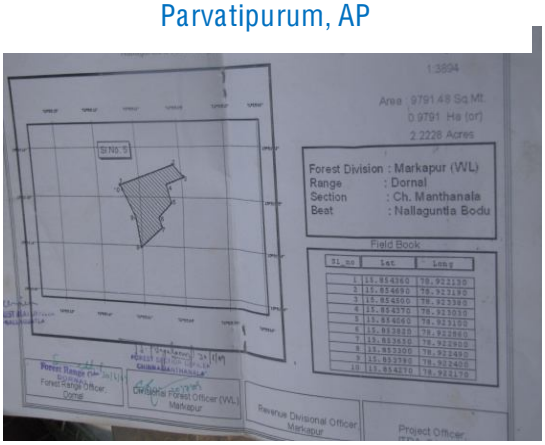
7.1 FRA related photographs from filed in Andhra Pradesh



A Woman Claimant with FRA land title passbook

Claimants participating in FGD, Parvatipurum, AP

Land development under MGNREGS at Village Nalguntla, Kurnool Dist., AP



GPS reading of a plot in Nalguntla village, Kurnool Dist., AP

Women drawing forest resource map in Pedmanthanalla village, Kurnool Dist., AP

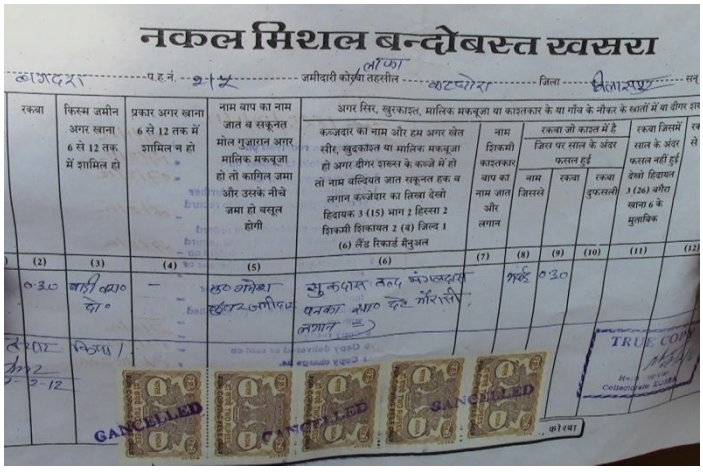
7.2 FRA related photographs from filed in Chhattisgarh

Ancialiary plot - verification denied by FD

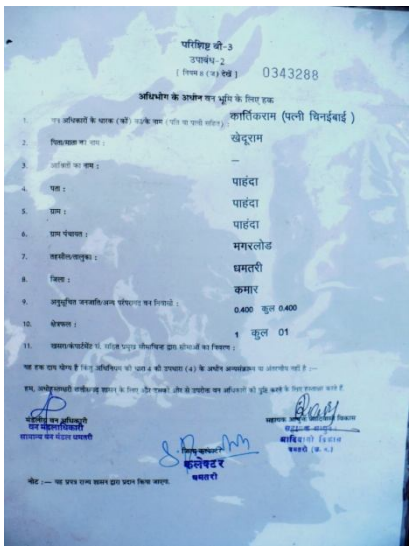
Discussion with Zilla President and member Dhamtari DLC, Chhatisgarh

Discussion with villagers at Kartala, Korba

Discussion with villagers at Kartala, Korba



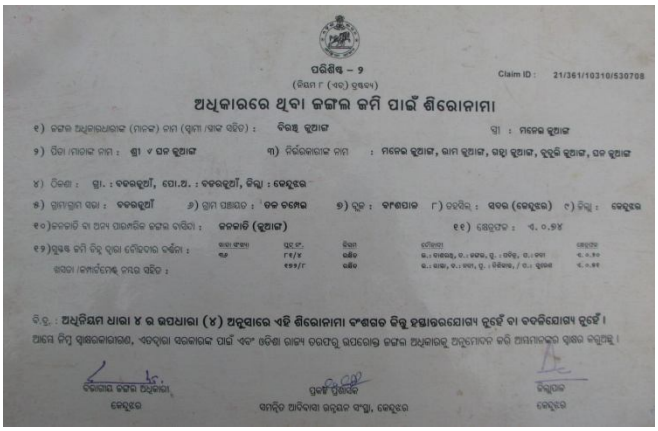
Geneology certificate



Kamar title

7.3 FRA related photographs from filed in Odisha

Shifting cultivation patches at village Kadalibadi, keonjhar



ପରିଶିଷ୍ଟ – ୨

(ନିୟମ ୮ (୪ଘ) ଦ୍ରଷ୍ଟବ୍ୟ)

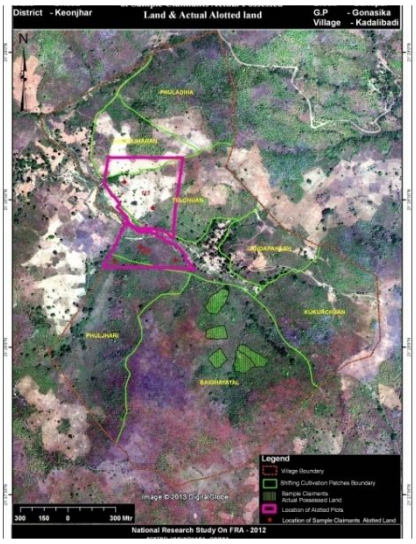
Claim ID : 21/361/10310/530708

ଅଧିକାରରେ ଥିବା ଜଙ্গଲ ଜମି ପାଇଁ ଶିରୋନାମା

A Title Sample in Keonjhar District, Odisha.

Land development under MGNREGA ,Keonjhar, Odisha

Habitat right facilitation meeting with PA, ITDA, Keonjhar and Juang leaders at Gonasika, , Odisha.



GIS analysis of kadalibadi village keonjhar showing shifting shifting cultivation patches

IAY construction work in progress under convergence at Keonjhar